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Forty-ninth session
Agenda item 112

SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS

Report of the Fifth Committee

Rapporteur: Mr. Larbi DJACTA (Algeria)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "Scale of assessments for the apportionment of the expenses of the United Nations" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 3rd to 7th and 19th meetings, on 6, 11, 13, 17 and 20 October and on 15 November 1994. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/49/SR.3 to 7 and 19).

3. For its consideration of the item, the Committee had before it the report of the Committee on Contributions. 1/

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/49/L.4/Rev.1

4. At the 19th meeting, on 15 November 1994, the representative of Barbados, on behalf of the Chairman, introduced a draft resolution entitled "Scale of

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1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 11 (A/49/11).

assessments for the apportionment of the expenses of the United Nations" (A/C.5/49/L.4/Rev.1), which was adopted by the Committee without a vote (see para. 5).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

5. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Scale of assessments for the apportionment of the expenses of the United Nations

The General Assembly,

Recalling paragraph 2 of its resolution 48/223 C of 23 December 1993, in which it reaffirmed the principle of capacity to pay as the fundamental criterion for determining the scale of assessments, and agreed, in principle, to establish an ad hoc body to study the implementation of that principle in determining the scale of assessments and to consider its mandates and modalities at a later stage in the forty-eighth session,

Bearing in mind the ad hoc intergovernmental working group of experts in the legal and financial fields established in accordance with section III of its resolution 48/218 A of 23 December 1993,

Taking note of the views expressed by Member States during its forty-eighth and forty-ninth sessions,

1. Decides to establish an ad hoc intergovernmental working group of twenty-five experts in economics, finance, statistics and related fields;

2. Invites the President of the General Assembly to appoint the experts in consultation with Member States, with due regard for equitable geographical representation, and to establish the working group as soon as possible;

3. Decides that the working group is to study and examine all aspects of the implementation of the principle of capacity to pay as the fundamental criterion in determining the scale of assessments for contributions to the regular budget and to submit a report thereon to the General Assembly no later than 15 May 1995, in order to permit the Committee on Contributions to take it into consideration in its review requested in paragraph 1 of General Assembly resolution 48/223 C;

4. Requests the Secretary-General to seek the views of Member States and, as appropriate, the cooperation of existing relevant intergovernmental institutions, such as the World Bank and the International Monetary Fund, and to provide the working group with all necessary documents and services;

5. Decides that the activities of the working group shall be funded within existing financial resources, but would welcome voluntary contributions from Member States towards the funding of the activities of the working group, including the possible defraying of the costs of participation of their own experts appointed to it.

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 99
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

SECURITY COUNCIL
Forty-ninth year

Letter dated 14 November 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter from the President of the Republic of Turkey, H.E. Mr. Suleyman Demirel, dated 10 November 1994, addressed to the heads of State of some countries regarding the issue of humanitarian assistance to Bosnia and Herzegovina.

I should be grateful if you would have this letter and its annex circulated as a document of the forty-ninth session of the General Assembly, under agenda item 99, and of the Security Council.

(Signed) Inal BATU
Ambassador
Permanent Representative

Annex

Letter dated 10 November 1994 from the President of Turkey to certain heads of State

Running into the third year of the war in Bosnia and Herzegovina, I feel obliged to write to you to share my grave concerns regarding the humanitarian situation in this beleaguered country. Winter is again approaching and the Bosnian people will have to endure yet another harsh season without sufficient shelter, food, heating and clothing. During my recent talks with the Bosniac leaders, they once again brought to my attention the dire circumstances in Bosnia, particularly in Sarajevo and the eastern enclaves, and asked for urgent assistance to relieve the suffering of the Bosnian people.

The untiring efforts of international organizations in this respect are certainly beyond praise and appreciation. However, much more has to be done to support the humanitarian relief efforts. We should all heed their appeals to sustain humanitarian assistance.

In view of your Governments' commitment to support international humanitarian relief efforts and your active interest in Bosnia and Herzegovina, I feel the need to bring the matter to your attention. I ask support and cooperation to assure the Bosnians that the world is not indifferent to their suffering, but is keenly interested in their fate.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Enhancing the effectiveness of the principle of periodic and genuine elections

Report of the Secretary-General

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I. INTRODUCTION

1. The present report has been prepared by the Secretary-General in response to the request made by the General Assembly at its forty-eighth session in its resolution 48/131 of 20 December 1993. The purpose of the report is to present the progress made to date in the implementation of resolutions 47/138 of 18 December 1992 and 48/131, in particular as regards the status of requests from Member States for electoral assistance and verification and the validity of the guidelines provided in 1992 in the light of more recent experience.

2. The present report will review the major elements of United Nations experience in electoral assistance over the past 30 months. In order to provide such a review, the primary activities of the United Nations will be addressed in specific sections. The status of requests for electoral assistance will be presented and a country-by-country overview of the past 12 months is provided in annex I. Experience with the coordination of various activities - both within and outside the United Nations system - and plans for improving such coordination are presented. Progress on continuing activities such as the development and maintenance of a roster of electoral experts, publications and the Trust Fund for Electoral Observation is summarized in annex II. The guidelines for Member States considering the formulation of requests for electoral assistance, first provided in 1992 (A/47/668/Add.1), have been reviewed and updated on the basis of the past 30 months of experience. Revised guidelines are provided in annex III.

3. A primary concern in the provision of electoral assistance is the need for absolute respect of national sovereignty. That concern is highlighted in the fundamental requirement that electoral assistance may only be provided on the basis of a formal request. However, the sensitivity to national sovereignty is maintained throughout the implementation of every assistance programme and contributes to the establishment of an interactive and cooperative working relationship of electoral experts and relevant nationals. In providing electoral assistance in over 50 cases to date, the United Nations has never received a complaint from a Member State regarding interference in its internal affairs.

4. Since its inception, United Nations electoral assistance has been based on the premise that such assistance will eventually no longer be necessary. In recent electoral assistance programmes, emphasis has been placed on the importance of electoral assistance in building confidence among the contending parties, the public at large and in the electoral process itself. At the same time, several programmes have been oriented towards creating greater national capacity to conduct and observe elections. That emphasis will continue in the design of future assistance programmes.

II. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTIONS 47/138 AND 48/131

A. Consolidation of electoral assistance capacities and coordination of activities

5. The Electoral Assistance Unit, which provides support and advice to the United Nations focal point for electoral assistance, was transferred to the Department of Peace-keeping Operations in early 1994. The transfer was made in an effort to rationalize the functions of both departments and to consolidate those Secretariat units working directly with the field. The Unit was renamed the Electoral Assistance Division and, as requested by the General Assembly, has continued to function under the regular budget and on the basis of existing resources. On that basis, one staff member from the former Centre Against Apartheid has been redeployed into the Division.

6. With the transfer of the Division to the Department of Peace-keeping Operations, the Secretary-General designated Mr. Kofi Annan, Under-Secretary-General for Peace-keeping Operations, the new United Nations Focal Point for Electoral Assistance Activities. All requests for United Nations electoral assistance should now be directed to Mr. Annan. As the Focal Point, Mr. Annan will determine, in consultation with the Department of Political Affairs and with the technical support of the Electoral Assistance Division, the appropriate response to all such requests.

7. The primary United Nations units involved in electoral assistance have continued to cooperate effectively, as described in earlier reports (A/48/590 and A/47/668). In the field of technical assistance, the Electoral Assistance Division continues to work closely with the United Nations Development Programme (UNDP) and the Department for Development Support and Management Services. When appropriate, the participation and support of the Centre for Human Rights has been requested and obtained. UNDP recently transferred responsibility in this area from its Division for Global and Interregional Programmes to the Management Development and Goverrance Division. Based on positive experience in utilizing United Nations Volunteers, cooperation with this programme has expanded and significant numbers of Volunteers have participated in major United Nations missions in South Africa and Mozambique.

8. United Nations resident coordinators have continued to be instrumental in assisting with the organization and funding of electoral assistance activities. Many activities are funded through cost-sharing arrangements with donors or UNDP national indicative planning figures. In some cases UNDP funding has been used to cover start-up costs until cost-sharing funds could be made available. Resident coordinators have also provided valuable assistance to short-term electoral missions by providing important background and administrative support.

9. Most recently, the Electoral Assistance Division and the Centre for Human Rights collaborated in identifying specific priorities for post-election assistance in Malawi. Based on the integrated programme that was elaborated, each office will focus on assistance activities related to its specific field of expertise. However, the integrated framework ensures a comprehensive and

balanced approach that will contribute to the strengthening of both democracy and human rights within the country.

10. Despite the general effectiveness of coordination within the United Nations system, experience has shown that greater effort should be made to facilitate effective working relationships between the Electoral Assistance Division, based at United Nations Headquarters, and the electoral offices of major United Nations electoral missions in the field. A primary reason for the creation of a specialized electoral unit within the Secretariat was to create an institutional memory that would serve as a reference for the organization and implementation of successive missions. Such a memory now exists - in the direct experience of mission participants and in the reports, manuals, forms and other United Nations electoral assistance materials for which the Electoral Assistance Division is repository. Reference to such resources must be facilitated in order to provide the fullest possible support to all United Nations electoral assistance operations.

11. For electoral assistance provided directly by the Division, reference to past experience is readily available, given the extensive participation of staff in such activities and their proximity to materials from earlier missions. Lessons learned from previous activities have been useful for staff of the Division in the conduct of needs assessment missions, the design of new electoral assistance approaches and the drafting of operational guidelines and staffing tables for electoral assistance activities. For the electoral staff of major missions, however, organizational and geographical distance complicate the sharing of past experience.

12. Because of time pressures in short-term field offices and the geographical distance from the Electoral Assistance Division, the organization and conduct of major missions often depend largely on a small group of experts recruited to manage the electoral component. Those experts, working together in the field, frequently draw heavily on procedures familiar to them from earlier missions rather than referring to the Electoral Assistance Division for conceptual advice and operational design. In order to broaden the experience of election experts and encourage greater exchange regarding policies and procedures, the Division plans to organize several technical workshops in order to allow consultants and potential mission leaders to exchange experiences and evaluate their applicability to other election contexts.

13. The Electoral Assistance Division will also emphasize more detailed briefing of mission electoral staff, joint development of operational plans and more regular field consultation visits. Of particular importance is the provision of relevant information in a format that provides easy reference for those engaged in technical assistance. This will require detailed retrieval of information and analytical evaluation after the conduct of each activity. The Division will also prepare several handbooks on different aspects of standard electoral activities, providing information on different approaches used and evaluating the relative advantages and disadvantages, requirements for applicability and so on. Such handbooks will allow those in the field to make more informed choices based on previous experience. In view of the relevance of the above activities for all organizations involved in electoral assistance, these activities may be undertaken jointly and the results shared.

B. Coordination with other organizations

14. Coordination with other organizations has continued to improve and the Electoral Assistance Division has expanded its contacts with electoral assistance organizations. Over the past year, the relationship with organizations of parliamentarians has evolved to the point that they now contribute, together with Member States and the Secretariat, to the recruitment of observers who will cover the final observation phase of major verification missions. In the previous report of the Secretary-General coordination in relation to specific organizations was reviewed; the present report will discuss coordination from a functional perspective: technical assistance, observation and information-sharing.

15. The coordination of technical assistance is crucial, for a lack of coordination has ramifications exceeding the obvious duplication of effort and waste of resources. Potentially more serious are the consequences of conflicting advice, competition among international consultants and overfunding of particular electoral components to the detriment of others. Significant progress has been made on coordination, particularly in the cases of Guinea-Bissau, Malawi and Mozambique, where the performance of the UNDP field offices has been outstanding. Coordination at the needs assessment stage remains difficult owing to the frequent urgency of such missions and the often very limited information-sharing in the field among donors. The Electoral Assistance Division will continue to try to improve communication with organizations most frequently involved in those activities and will try to foster the principle of joint missions, where possible. Such an approach is currently being used in Haiti.

16. It has also proved quite difficult to obtain the same level of coordination for post-election and democratic consolidation assistance as that achieved for electoral assistance. Reasons for this include the relative novelty of post-election assistance, the need to define such activities more clearly and the lack of a precise organizational focus such as exists with electoral assistance. In order to contribute to the post-election continuation of the cohesion that normally exists for elections, the Electoral Assistance Division is providing, where useful, a liaison and technical officer to assist donor groups formed for the coordination of electoral assistance. This approach will first be used in Malawi.

17. In the case of electoral observation, the effectiveness of coordination with other organizations has varied from mission to mission. In field operations where the United Nations has provided an umbrella framework for the coordination of international observers, cooperation has often been exemplary. In Malawi and Guinea-Bissau, for example, coordination with other organizations was essential for effective national observation coverage of the elections. Electoral assistance in Malawi included support for over 300 international observers as well as coordinated technical assistance provided by the United Nations, the European Union (EU), the Commonwealth and the International Foundation for Electoral Systems. In Guinea-Bissau some 100 international observers were deployed for each of the two rounds of the August 1994 presidential elections. The success of such operations, where the United Nations provides an umbrella framework for diverse observers, is highly

dependent on the degree of coordination achieved with the many sponsoring countries and organizations.

18. Experience with coordination in the case of major missions has been mixed. In Mozambique, exemplary collaboration was established with EU after an initial and less satisfactory attempt in South Africa. The United Nations and EU observers in Mozambique were fully integrated in mixed teams, deployment planning was conducted jointly and the resources available were shared. There are, however, a number of problems to be solved in the relationship with other organizations. There are many cases where intergovernmental, regional, parliamentarian or non-governmental organizations have been able to fund tne travel and allowances of observers but have been unable to provide them with adequate support in the field. As the United Nations budgets for a self-contained group of observers, the provision of field support to additional observer groups is perceived as a liability rather than as a further contribution to the overall international observation effort. Since such a situation has arisen in several cases, it is important that existing problems be resolved in order that coordination of major missions can reach the same level of effectiveness as with less ambitious "coordination of observers" missions.

19. The difficulties of achieving full-fledged cooperation are not limited to the provision of budget items allowing United Nations field support for other international observer groups. In order for any group to participate under a United Nations umbrella, criteria for participation and necessary lead times should be clearly defined, common criteria should be established for the verification process and agreements reached on debriefing and the issuance of statements. It is high time to call for a working meeting of representatives from organizations active in the field of election observation in order that they may discuss these issues as well as other relevant aspects of electoral verification. Attention might also be directed to the establishment of guidelines concerning the impartiality, professionality and objectivity of observation work. Assuming that the necessary resources can be obtained, the Secretary-General is asking the Electoral Assistance Division to organize such a meeting during 1995, in order for its findings and recommendations to be made available to the General Assembly at its next session.

20. As to the sharing of information on electoral assistance, the Electoral Assistance Network newsletter, created in 1992, has continued to be one practical means of facilitating such exchange. The Electoral Assistance Division will improve its content and periodicity, and will explore the possibilities of establishing an E-mail-based network. The information provided through the network will include data that is or will be available to the Division concerning recent publications, workshops or seminars on related subjects, consultants in different fields, electoral materials, suppliers and so on. As in other cases, the project will be elaborated further in collaboration with other interested organizations.

C. Ongoing activities

21. Information regarding the ongoing activities mandated by resolutions 47/138 and 48/131 is provided in annex II. That annex provides information on the roster of experts, publications related to electoral assistance, the Trust Fund for Electoral Observation and the Colloquium on African Election Administration.

III. UNITED NATIONS EXPERIENCE

A. Major United Nations missions

22. Over the past 12 months the United Nations conducted two major electoral missions within the context of peace-keeping operations. In April over 800 observers were present for two rounds of elections in El Salvador. Elections were held in Mozambique from 27 to 29 October; the United Nations deployed some 2,000 observers. Specific details of the El Salvador mission are contained in the final report of the Secretary-General on the United Nations Observer Mission to El Salvador (ONUSAL) (S/1994/561 and Add.1).

23. The United Nations undertook a major coordinating role in the international observation of South Africa's first general elections in April 1994. In addition to its deployment of 2,120 observers, the United Nations coordinated its observation and deployment with the Commonwealth, EU and the Organization of African Unity (OAU). Although that coordination made the mission more complicated than a single-organization operation, the potential economies and strengths of such collaboration are worth reviewing and evaluating for the future. The Field Operations Division of the Department of Peace-keeping Operations is currently conducting such a review. Specific details of the observation mission in South Africa are provided in the final report of the Secretary-General on the question of South Africa (S/1994/717).

B. Support for international observers

24. In his 1994 report (A/48/590), the Secretary-General described the positive experience obtained from missions designed to provide coordination and support for international observers provided by Member States, international and non-governmental organizations. Although that approach was found effective and economical even for short-term observation (the election days only), it was found most useful when undertaken from a long-term perspective, allowing observation of the registration process, the electoral campaign and the election and final vote count. In the light of that experience, this approach has been used for an increasing number of electoral observation missions.

25. Between 16 October 1993 and 15 October 1994 the Electoral Assistance Division organized three support missions for international observers. The most comprehensive mission was undertaken in Malawi, where an electoral assistance secretariat was established that also provided technical assistance in boundary delimitation, civic education, constitutional law, human rights and training of poll workers. Experts in specific fields were provided by the Division, the

Centre for Human Rights, the British Overseas Development Authority, the EC and the International Foundation for Electoral Systems.

C. Support for national observers

26. The Electoral Assistance Division adopted a new approach to electoral assistance in providing support for national observers for Mexico's national elections. The emphasis in that operation was on providing training for potential domestic observers that would contribute to the creation of a national network of election observers. Through that approach, Mexican nationals were able to undertake a consistent and comprehensive observation of the August elections. The mission also reviewed the Mexican electoral system and provided comments to the electoral authorities.

27. In October 1994, the Division organized a general review and assessment meeting with representatives of the Mexican observer network in order to evaluate the training and observation activities undertaken. The feedback from the meeting will provide essential input for the design of future missions of this nature by the Division and should assist the Mexican national observer network in identifying areas for further work prior to their next observation activity.

28. The primary advantages of this form of electoral assistance are its emphasis on long-term capacity-building within a country and its contribution to the creation of confidence among citizens in their own electoral process.

D. Observation

29. In earlier reports the Secretary-General referred to this form of assistance as "follow and report". Although such assistance was not provided frequently, there were several cases where it was decided to send a single officer to follow an electoral process in order to provide the Secretary-General with an internal report. Based on experience to date, this form of assistance has been found to be of negligible benefit and will therefore be authorized only in special cases.

30. The approach has frequently been used when the request for observers arrived too late for proper assessment and action. In other cases a Member State has insisted on the need for a United Nations presence at the time of the election. The United Nations is clearly dedicated to supporting countries requesting assistance for their further democratic development. The weaknesses of the approach, however, include the minimal impact of a single observer on the electoral process, the ultimate value of an assessment report provided after the election and the time and travel costs of organizing a United Nations mission that may ultimately be more symbolic than substantive.

31. Although such observation will not be precluded in the future, it will be undertaken only in special circumstances. As the guidelines for electoral assistance become better known, it can be expected that Member States will

submit requests for electoral assistance in a timely manner, thereby assisting the United Nations to serve them most appropriately and effectively.

E. Post-election assistance

32. The conduct of credible elections is recognized as an important standard in assessing the intent and actual performance of a democratic system of government. However, credible elections do not ensure that the ensuing weeks and months will lead to a strengthening of democratic processes and institutions. The post-election phase in too many countries has been marked by breakdown and later transitional failure. Because the holding of credible and periodic elections is only one component in a broader context related to democracy and the promotion of pluralism, the potential value of post-election assistance has become apparent in many countries.

33. In its resolution 48/131, the General Assembly recommended that the United Nations provide assistance before and after elections have taken place, including needs assessment missions aimed at recommending programmes that might contribute to the consolidation of the democratization process. However, the prospect of undertaking activities in this relatively new field raises several important considerations.

34. An election, while part of a long-term process, is a specific event that requires a variety of activities to be undertaken within a clear time-frame. Despite country-to-country variations, the organization of elections involves a series of clear and well-defined activities. Several years of experience with electoral assistance has provided valuable lessons as to the key problems to be expected and well-qualified institutions and consultants can now be easily identified. In contrast, democratic consolidation is a more ambiguous domain, with unclear boundaries and potential overlapping of organizational mandates. Experience with previous transitions may not be applicable to many of the situations that should be addressed. As a result, jurisdictional claims by organizations wishing to provide assistance may often be based more on interpretations of mandate than on effective field experience. A final concern is that the magnitude and duration of post-election activities, which are both necessary and urgent, are considerably greater than those required in the provision of electoral assistance.

35. Based upon the concerns outlined above, the Secretary-General believes that the involvement of the Electoral Assistance Division in democratic consolidation should be very carefully delimited in order to ensure that any programmes undertaken are truly within the implementation capabilities of the Division. In that context, the latter might initiate the following activities as a contribution to this field. Firstly, it should continue to provide post-election assistance to electoral institutions, contributing to their organizational development, systems design (i.e. the creation of permanent registration rolls) and the overall sustainability of the electoral process. Secondly, in the case of major assistance missions, the Division should produce a post-election report containing recommendations for successive steps in order: (a) to continue the development of democratic institutions and processes; (b) to maintain the impetus for international support generated by the election

process; and (c) to contribute to resolving any lingering questions or tensions arising from the elections. In special cases, post-election activity might also include the conduct of needs assessment missions.

36. The Electoral Assistance Division would have difficulty serving as an effective implementing agency for post-election activities. However, it may contribute to important clarification and definition of this field, together with the UNDP Division of Management Development and Governance. Working in cooperation, the Electoral Assistance Division and the Division of Management Development and Governance might undertake several case-studies, identify projects that might help reinforce pluralism in democratizing societies, establish an inventory of organizations active in the field and evaluate their capacities. One result of such activities might be the preparation of suggestions for future United Nations activity in this field.

F. Technical assistance and advisory services

37. Technical assistance continues to be the most frequently requested form of electoral assistance provided by the United Nations. Between 16 October 1993 and 15 October 1994, the United Nations provided 43 series of technical or advisory services. For many Member States, however, several different forms of technical assistance were requested. In Guinea-Bissau, for example, the Department for Development Support and Management Services provided assistance with training, civil registration, electoral processes and civic education. The range of assistance that can be provided by the United Nations has continued to expand, given the growing expertise of the Centre for Human Rights, the Department for Development Support and Management Services, the Electoral Assistance Division and UNDP in their respective fields.

38. In the past year the Electoral Assistance Division has provided technical assistance in such fields as electoral systems, election organization and budget, boundary definition, civic and voter education, informatics, logistics, procurement of election materials (such as ballots, staining ink, ballot envelopes, ballot boxes, etc.) and training of election administrators.

39. As in the past, UNDP has taken an important role in the provision of technical assistance, often providing coordination for the various technical components of a programme. UNDP has also been instrumental in assuring timely financial support for technical assistance projects, whether through indicative planning figures or cost-sharing arrangements.

IV. REFLECTIONS FOR FUTURE ACTIVITY

40. Since the creation of the Electoral Assistance Division in 1992, the United Nations has acquired unique and wide-ranging experience in the provision of electoral assistance. That experience is reflected in the refinement of procedures, the design of new approaches and the increased scope and frequency of requests for electoral assistance. In this context, it may be useful to reflect briefly on the primary purpose and broader goals of United Nations electoral assistance.

41. Many early electoral assistance activities focused on ensuring the legitimacy of elections or referendums in the context of decolonization or agreements related to the resolution of conflict. The fielding of international observers for such electoral processes was often an effective means of confidence-building. An international observer presence helped to impress upon the voting public the importance of the election as well as their concern that international standards be maintained. International observers were also useful in confirming the legitimacy of the electoral process to a broader international public. However, the successful conduct of an election is only one element in sustained efforts to protect the rights and interests of a nation's citizens and to promote greater transparency, participation and trust.

42. Although the international credibility of an election is critical, the fostering of national confidence in the process is of equal if not greater significance. The technical success of one election can quickly become irrelevant in the face of public distrust or lack of capacity or commitment to ensure the continuation of the process. In many cases, members of the international community have been quick to pass judgement on an electoral process, with little regard for residual problems. In future, the United Nations must measure the quality of its assistance not only by the successful verification of an election or the effective completion of a specific technical project but also by its lasting contribution to the ability of the Member State to conduct its own periodic and credible elections.

43. In reconsidering the capabilities of the United Nations in the provision of electoral assistance, one condition remains essential - non-interference of the Organization in the internal affairs of the State. Any form of assistance must be preceded by a formal request from the Member State. As requests for assistance have proliferated, however, the needs expressed have varied widely from the earlier types of verification and supervisory missions. In each case, assistance must be tailored to the specific needs of the requesting State. As a result, needs assessment missions are now an important prerequisite for electoral assistance.

44. Needs assessment missions are useful from a variety of perspectives. The visit of a small team to the requesting State allows direct discussion of concerns, priorities and resources. Such discussions ultimately allow the United Nations to determine whether it can provide the assistance requested, to suggest options, to identify the most appropriate implementing agency and to provide useful information to the Government as to how and when such assistance could be provided. The visiting team also begins to establish a basic working relationship with relevant nationals - an important factor in the general success of any assistance programme.

45. Coordination of assistance is also a major cause of concern. In some cases, requests for international observers or technical assistance have been made of several donors. If all respond positively and insist on independent operations, there are risks of conflicting advice, competition for limited resources (such as transport), duplication of effort and waste of money. With coordination, more effective assistance might be provided at lower cost to the individual organizations or donors. In cases where coordination has been established, assisting organizations can consult on progress and obstacles,

facilitating work in a variety of fields and ensuring complementarity. The international presence is therefore perceived as focused and dedicated to serving the interests of the requesting country. The alternative may be a perception of various donors competing to serve goals of their own choosing, with the interests of the country relegated to a secondary concern.

46. A further consideration in reviewing United Nations electoral assistance activities to date is the recognition of the synergy created by the simultaneous conduct of various forms of assistance. The work of experts in one field can facilitate and supplement work undertaken by others. In Mozambique, for example, police observers have played an important role in monitoring respect for the human rights and civil liberties of Mozambican citizens throughout the country as well as following the work of the Mozambican police to ensure their impartiality. Their efforts have contributed significantly to the building of public confidence in the electoral process. At the same time, however, the police observers will also serve as electoral observers, alleviating pressure for additional international observers. Their presence has therefore been beneficial from several perspectives - the double impact of their human rights and police monitoring role and their availability for additional use as international observers for the final election observation phase.

47. The ultimate objective of electoral assistance is to create its own obsolescence. Although elections are an important step forward in the longer process of democratization and the promotion of human rights, the success of the assistance provided lies in the ability of States to conduct periodic and credible elections in future. The United Nations will always be ready to assist States intent on becoming strong and vibrant democracies; the Organization will also look forward to the time when the pressure for elections and democratic transition has eased and attention may turn to longer-term issues of good governance.

48. Based on recent experience, the United Nations has noted that the context of commitment and cooperation associated with elections often dissipates relatively quickly following their successful completion. However, newly elected Governments frequently face difficult questions regarding the next steps in the transition to democracy. The weeks preceding an election are not sufficient to create a truly civic culture, nor can democratic values simply be transferred through international assistance. The transition to democracy is a long and difficult national process; it is, however, a process for which the Secretary-General can pledge continued United Nations commitment and support.

ANNEX I

Status of Member States' requests as at 17 October 1994

Based on information received as at 31 October 1994, the electoral assistance activities of the United Nations between 16 October 1993 and 17 October 1994 are provided below according to country.

ARGENTINA

Request: In September 1992, the Government requested the extension of a previous technical assistance project to improve the electoral organization (see A/48/590, annex).

Action taken: In February and May 1994, a civic education consultant travelled to the country in order to brief the electoral authorities on civic education programmes.

BELARUS

Request: On 26 May 1994, the Government invited the United Nations to send observers for the presidential elections scheduled for 23 June 1994.

Action taken: The invitation was declined owing to lack of lead time.

BRAZIL

Request: In November 1993, the Supreme Electoral Court requested technical assistance for the computerization of the electoral system in Brazil.

Action taken: In December 1993, the United Nations sent an officer from the Department for Development Support and Management Services to identify the needs of the Court and to formalize a technical assistance project document. Also in September 1994, the Department sent a consultant to provide technical support services for the computerization of the Supreme Electoral Court.

CHAD

Request: In December 1992, the Government requested assistance for the upcoming elections, the date of which has not been determined (see A/48/590, annex).

Action taken: The Electoral Assistance Division continues to follow the electoral process in Chad. The draft constitution is to be submitted to a referendum, which has not yet been scheduled. The Division has offered technical assistance through UNDP, with particular emphasis on informatics. In the meantime, a joint assessment mission, composed of consultants from France and the United States of America, will travel to Chad. At the request of the Government, the mission

will be coordinated by a senior consultant retained by the United Nations.

EL SALVADOR

Request: In January 1993, the Government officially requested United Nations observation "before, during and following" the general elections scheduled for March 1994.

Action taken: In November 1993, the Director of the Electoral Assistance Division, at the invitation of the Chief of Mission of ONUSAL, visited the country in order to follow up on the work of the Electoral Division and to participate in a seminar on the role of ONUSAL in the verification of the upcoming elections in March 1994.

In February 1994, the Secretary-General sent a note verbale to Member States requesting observers for the last phase (polling period) of the elections in El Salvador. Approximately 850 observers joined ONUSAL in mid-March to observe the elections on 20 March, mostly from ONUSAL, the local diplomatic community, neighbouring countries and similar sources.

On 21 March 1994, the Chief of Mission declared that, despite observed difficulties, the electoral campaign and election day could be considered acceptable. The second round for the presidential elections took place on 24 April 1994.

Some 900 observers joined ONUSAL to observe the second round of elections. Subsequently, on 25 April 1994, the Chief of Mission declared that the organization of the elections had clearly improved, despite several remaining irregularities in the electoral process. The electoral activities of ONUSAL have been described in detail in the following reports to the Security Council: S/26606, S/1994/179, S/1994/304, S/1994/375, S/1994/486, annex, S/1994/536 and S/1994/561 and Add.1.

EQUATORIAL GUINEA

Request: On 21 May 1994, the Government requested, through UNDP, assistance in the organization of a donors conference, which was held on 16 and 17 May 1994, to mobilize resources for the revision of the electoral census and the implementation of recommendations of the report on human rights prepared by the Special Rapporteur.

Action taken: In May 1994, in preparation for the upcoming municipal elections, tentatively scheduled for September 1994, the United Nations sent, under a UNDP project, an officer from the Department for Development

Support and Management Services, the implementing agency, and a consultant to assist in the substantive aspects of a donors conference. They also provided advice on the electoral budget and related issues.

ETHIOPIA

Request: Following the participation of the United Nations in the coordination of international observers on the occasion of the regional elections held in 1992, the Government requested technical assistance through UNDP for the successive stages of the electoral process.

Action taken: As part of an ongoing project, the United Nations sent a consultant at the end of February 1994 to assess progress on the implementation of the electoral timetable proposed by the Ethiopian Electoral Board. The consultant remained in the country until the beginning of March and presented his report. Constituent Assembly elections were held throughout the country on 5 June 1994, except in region 5 and Dire Dawa, where they were postponed until 17 July 1994.

GABON

Request: In October 1993, the Government invited the United Nations to observe the presidential elections scheduled for December 1993.

Action taken: An officer from the Electoral Assistance Division was sent to follow the elections and to advise the electoral authorities on the activities of international observers.

GUINEA

Request: In November 1993, the Government requested assistance in the coordination of international observers for the presidential elections to be held on 19 December 1993.

Action taken: Owing to the lack of lead time, the United Nations could not comply with the request. Instead, the Resident Coordinator followed the electoral process.

GUINEA-BISSAU

Request: In December 1992, the Government requested assistance for the presidential and general elections scheduled for 1993, which were held in July and August of 1994 (see A/48/590, annex).

Action taken: Consultants in training, civic education and electoral processes were sent by the Department for Development Support and Management Services to assist the electoral authorities in organizing the electoral process. In addition, an expert was appointed to coordinate the activities of international observers during the elections. The elections were held on

3 July 1994. In the absence of a candidate winning a clear majority, presidential elections required a second round, which took place on 7 August 1994. Over 90 per cent of the registered voters participated in the elections. Some 100 international observers participated in each of the two rounds of voting.

HAITI

Request: On 30 September 1994, the Permanent Representative of Haiti to the United Nations sent a letter to the Secretary-General requesting technical and operational assistance during the forthcoming electoral process.

Action taken: A needs assessment mission headed by the Director of the Electoral Assistance Division travelled to Haiti in October 1994 to consult with the Government and the electoral authorities as to the type of assistance the United Nations could provide in the forthcoming electoral process.

HONDURAS

Request: In March 1994, the Government requested assistance in reforming the electoral system in order to create greater operational transparency.

Action taken: In June 1994, in conjunction with a visit to Mexico, the Director of the Electoral Assistance Division made a preliminary visit to discuss the request made by the National Electoral Tribunal. A needs assessment mission will be organized in January 1995.

HUNGARY

Request: On 1 April 1994, the Government invited the United Nations to send observers to the parliamentary elections scheduled for 8 May 1994.

Action taken: The invitation was declined owing to the lack of lead time.

LATVIA

Request: On 12 April 1994, the Government invited the United Nations to send observers to the elections of local authorities scheduled for 29 May 1994.

Action taken: The invitation was declined owing to the lack of lead time.

LIBERIA

Request: On 11 February 1992, the Government requested technical and financial assistance for the electoral process (see A/48/590, annex).

Action taken: The United Nations is providing electoral assistance to Liberia through the electoral component of the United Nations Observation Mission in Liberia (UNOMIL) and through a UNDP technical assistance project

implemented by the Department for Development Support and Management Services.

The deployment of the UNOMIL electoral component began in March 1994. In May 1994, a high-level team of experts in electoral systems travelled to the country to advise the Liberian Transitional National Government, the Elections Commission, political parties and other groups on the efficacy of various electoral systems, in particular the system of proportional representation.

As at the end of September, the Chief Technical Adviser and the Chief Electoral Officer of UNOMIL had been withdrawn from the country pending an improvement in the political situation. Prior to his departure, the Chief Electoral Officer of UNOMIL submitted a report on the progress observed in the electoral field.

The electoral activities of UNOMIL have been described in detail in the following reports to the Security Council: S/26868, S/1994/168 and Add.1, S/1994/463, S/1994/588 and S/1994/760.

MADAGASCAR

Request: In April 1994, the Government invited the United Nations to send observers to the municipal and local elections scheduled for July 1994.

Action taken: Municipal and local elections have been postponed to a later date yet to be announced. The United Nations offered to coordinate international observers or to assist in training national observers, to which the Government did not reply.

MALAWI

Request: On 22 October 1993, the Government requested assistance in the mobilization of the international observation of the general elections scheduled to take place in May 1994 (see A/48/590, annex).

Action taken: In November 1993, a consultant visited Malawi to assist in the preparation of the electoral budget and timetable as well as with other related issues. In the same month an officer of the United Nations Centre for Human Rights was also sent to Malawi to provide legal advice to the Government. The United Nations Electoral Assistance Secretariat in Malawi, under the provision of a UNDP technical assistance project implemented by the Department for Development Support and Management Services, was established in early January 1994. Several consultants (boundaries, constitutional reform, training, civic education, human rights, logistics and quick count) joined the Secretariat thereafter. In addition, in April 1994 an

officer of the Electoral Assistance Division was sent to Malawi in order to assist the Secretariat in coordinating the international observers and in preparing a programme of post-electoral activities supporting the democratization process. An officer of the Centre for Human Rights visited Malawi at the same time in order to conduct a post-election assessment related to human rights questions.

During the 17 May 1994 presidential and parliamentary elections, the Electoral Assistance Secretariat coordinated the deployment of 250 international observers provided by Member States and non-governmental organizations. At the end of May 1994, five United Nations Volunteers and a logistics consultant remained in the country to observe the by-elections scheduled for 28 June 1994 in three constituencies in Nsanje. Subsequently, the Parliament requested assistance in the drafting of standing orders for the new Parliament. The Inter-Parliamentary Union, together with the Electoral Assistance Division, fielded a consultant to assist the Parliament.

In July the Government requested further United Nations assistance in democratic consolidation. In that connection, the United Nations High Commissioner for Human Rights and the Government in August 1994 signed a Joint Declaration on the Mutual Desire to Cooperate in the Development of Programmes for the Promotion and Protection of Human Rights in Malawi.

In September 1994, an Electoral Assistance Division staff member went to Malawi to discuss plans for post-election assistance with the Government and the international donor group. A working paper on democracy and human rights, prepared by the Electoral Assistance Division and the Centre for Human Rights, will contribute to the development of a national framework for further activities in which the United Nations may play a coordinating role.

MEXICO

Request: In late May 1994, the Government requested technical and financial assistance to national observers for the elections scheduled for 21 August 1994 and, prior to the elections, the preparation of an analytical report on the Mexican electoral system.

Action taken: In June 1994, the United Nations Technical Assistance Team in Mexico (ETONU-MEX), was established in Mexico City. ETONU-MEX was composed of a core team of 11 specialists based in Mexico City and 32 consultants based in every Mexican state.

ETONU-MEX provided assistance to 14 national non-governmental organizations, which mobilized approximately 30,000 observers. The financial support provided to non-governmental organizations amounted to $3 million. The technical assistance included electoral observation methodology; preparation of observer manuals; technical support ranging from logistics manuals to the development of strategic plans and the organization of quick counts.

The analytical report on the electoral system was prepared in June and July by a team of senior international experts and presented to the Government by the Electoral Assistance Division on 11 August 1994.

A workshop was organized by the United Nations in Vera Cruz, Mexico, from 10 to 12 October 1994, in order to assess the lessons learned from technical assistance provided by ETONU-MEX. The Mexican electoral authorities and the observer groups participated in the workshop.

MOZAMBIQUE

Request: Under the terms of the General Peace Agreement for Mozambique of 4 October 1992, the United Nations was invited to observe the elections scheduled to take place within a year of its signing (see A/48/590, annex, and S/26666 and Add.1).

Action taken: Electoral assistance to Mozambique is being provided through the electoral component of the United Nations Operation in Mozambique (ONUMOZ) and through a UNDP technical assistance project implemented by the Department for Development Support and Management Services.

In February 1994, the Director of the Electoral Assistance Division visited Mozambique in preparation for the forthcoming deployment of electoral observers. By June 1994, 126 electoral observers, including 96 United Nations Volunteers, accompanied by civilian police monitors, had been deployed at all provincial and district levels. A total of approximately 2,100 observers operating under the United Nations umbrella will follow events on the election days. Of these, 900 have been recruited from Member States and the United Nations system, 200 from EU and the remaining 1,000 from within ONUMOZ ranks or the international community in Mozambique.

In addition to its observation activities, ONUMOZ designed a programme to ensure effective observation of the elections by the parties at all polling stations. The programme provided for training and financial

benefits for up to 35,000 monitors from Mozambican parties. A special trust fund for political parties was established in order to provide limited financial support to all contending parties.

Regarding the technical assistance project, six consultants (electoral organization, civic education, social communication, electoral law and logistics) are presently in the country to assist the electoral authorities. In addition, three to five United Nations Volunteers were deployed to each province to assist the provincial and district commissions. Earlier, in February 1994, a Department for Development Support and Management Services officer went to the country in order to finalize a project document for the establishment of a trust fund for contributions to the electoral process.

The electoral activities of ONUMOZ have been described in detail in the following reports to the Security Council: S/1994/89 and Add.1 and 2, S/1994/511, S/1994/803 and S/1994/1002.

NAMIBIA

Request: In July 1994, the Government requested assistance in the coordination of international and national observers for the general elections scheduled for 6 and 7 December 1994.

Action taken: In September 1994, an Electoral Assistance Division staff member went to Namibia to follow up on the June 1994 needs assessment mission and, as requested by the Government of Namibia, to consult with various international and national entities as to the type of assistance the United Nations could provide for the presidential and national elections. As a consequence, a short-term consultant was provided to assist the Director of Elections with arrangements for international observers.

NETHERLANDS ANTILLES

Request: In June 1994, the authorities of the Netherlands Antilles, through the Government of the Netherlands, requested the participation of a United Nations representative in the Referendum Committee, which will oversee the referendums scheduled for 14 October 1994 on St. Maarten and St. Estatius and Saba, and for 21 October 1994 on Bonaire.

Action taken: An officer from the Division of Public Affairs was assigned to participate in the work of the Referendum Committee.

NICARAGUA

Request: In November 1993, the Government requested the designation of observers for elections for the regional

	councils on the Atlantic coast scheduled for 27 February 1994. Action taken: A United Nations officer and two consultants were sent to the country at the end of January 1994 to observe the elections. During the polling period, 29 additional observers (from ONUSAL, UNDP and the Government of Sweden) joined the team.
PANAMA	Request: In November 1993, at the request of the Government, two members of the Electoral Tribunal held informal meetings with the Director of the Electoral Assistance Division during his visit to El Salvador and discussed technical assistance in the electoral field. Action taken: In December 1993, Panama and UNDP signed a technical assistance project.
REPUBLIC OF MOLDOVA	Request: In January 1994, the Government invited the United Nations to send a delegation to observe the parliamentary elections scheduled for 27 February 1994. Action taken: An officer of the Centre for Human Rights was sent to follow the electoral process.
RUSSIAN FEDERATION	Request: On 18 October 1993, the Government invited the United Nations to send observers to the Federal Assembly elections scheduled for 12 December 1993. Action taken: Two representatives were sent to follow the electoral process on behalf of the Secretary-General.
SAO TOME AND PRINCIPE	Request: In August 1994, the Government invited the United Nations to send an observer to the legislative election scheduled for 2 October 1994. Action taken: A staff member from the Department of Public Information was sent to observe the elections.
SIERRA LEONE	Request: In March 1994, the Head of State informed the Secretary-General that presidential and parliamentary elections were scheduled for November and December 1995 and requested technical assistance in the planning and the organization of the elections. Action taken: The Government was informed that a project document for technical assistance in the promotion of governance, democratization and management development was being prepared by UNDP and that the Electoral Assistance Division would provide initial support to the Interim National Electoral Commission

through that project, which would be implemented by the Department for Development Support and Management Services. In the context of the project, a consultant on electoral processes was sent to the country in June 1994 to advise the Commission. In addition, at the request of the Chairman of the Electoral Commission, the United Nations has agreed to provide some financial assistance to the Commission.

SOUTH AFRICA

Request: In its resolution 894 (1994), the Security Council expanded the mandate of the United Nations Observer Mission in South Africa (UNOMSA) so as to include electoral observation.

Action taken: Following the Security Council statement regarding the situation in South Africa (S/26785), an officer from the Electoral Assistance Division was sent to South Africa to provide assistance to the Chief of Mission of UNOMSA on electoral matters. In December 1993, the Director of the Division participated in the survey mission sent to South Africa by the Secretary-General. After the adoption of Security Council resolution 894 (1994) in January 1994, the Director again travelled to South Africa in order to assist the Special Representative of the Secretary-General in setting up the electoral component of the Mission.

The elections took place on 26, 27, 28 and, in certain areas, 29 April 1994. A total of 2,120 United Nations observers, representing 103 nationalities, was deployed throughout nine provinces. The Electoral Assistance Division also coordinated the observation of approximately 120 foreign polling stations in 57 countries around the world. A total of 228 international observers, most of whom were staff members of the United Nations system, participated as observers at foreign polling stations. In addition, at the request of the South African Independent Electoral Commission, the Electoral Assistance Division assisted in establishing polling stations in seven countries where South Africa had no representation. The Division identified presiding officers, who were responsible for organizing the stations, and provided administrative support as required. Also at the request of the Independent Electoral Commission, the Division identified electoral observers to cover polling stations in eight countries and agreed to a request from South Africa to establish a polling station in the garden of United Nations Headquarters.

The electoral activities of UNOMSA have been described in detail in the following reports to the Security Council: S/1994/16 and Add.1, S/1994/435 and S/1994/717.

UGANDA

Request: In July 1993, the Commissioner for the Constituent Assembly requested that the United Nations facilitate and coordinate the activities of the international observers for the elections scheduled for December 1993 (see A/48/590, annex).

Action taken: Under the provisions of a UNDP project implemented by the Department for Development Support and Management Services, three consultants (Chief Technical Adviser, logistics and civic education) were sent to the country to assist the electoral authorities. In addition, two consultants travelled to the country in order to coordinate the international observation of the elections held on 28 March 1994. A Department for Development Support and Management Services officer joined the joint international observer group, which consisted of 110 observers from 17 countries and 6 international or non-governmental organizations. After the elections, at the Government's request, the United Nations sent an expert on informatics to provide advice to the electoral authorities regarding a permanent voter registration system.

UKRAINE

Request: In January 1994, the Government of Ukraine invited the United Nations to participate as an observer of the parliamentary elections scheduled for 27 March 1994. Subsequently, on 1 June 1994, the Government requested the United Nations to send observers for the presidential and local elections scheduled for 26 June 1994.

Action taken: The United Nations sent an officer of the Centre for Human Rights to follow the electoral process for the parliamentary elections and to report on its conduct and outcome. The same officer visited the country again at the end of June to follow the presidential elections.

ANNEX II

Ongoing activities

1. In accordance with resolution 47/138, updated information is provided below on the status of the roster of electoral experts, the United Nations Trust Fund for Electoral Observation and recent United Nations publications related to electoral assistance. Information is also provided on the Colloquium on African Election Administration, which will take place in Zimbabwe from 15 to 18 November 1994.

A. Roster of electoral experts

2. As at 20 October 1994, the Electoral Assistance Division's roster of electoral experts consisted of some 433 international experts from 69 countries. An additional 106 experts may be added to the roster pending final screening of their credentials. Specific areas of expertise include civic education, communications, demography, electoral systems, informatics, logistics, training and election observation.

B. United Nations Trust Fund for Electoral Observation

3. As at 19 October 1994, contributions to the Trust Fund for Electoral Observation from Member States totalled $5,982,519 for the year. Since 14 October 1993, funds had been received from Switzerland, Sweden, South Africa, the Netherlands, Mexico, Luxembourg, Ireland and Canada. Several of those contributions were earmarked for particular operations in Mexico and Mozambique. The United States pledged $2,700,000 to the Trust Fund for use in Haiti. The total balance available in the Trust Fund as at 19 October 1994 was $8,379,031.

C. Publications

4. Recent United Nations publications have included:

(a) "Electoral Assistance Activities of the United Nations System", Electoral Assistance Division, monthly;

(b) "Electoral Assistance Information Network Report", Electoral Assistance Division, second special edition covering activities from 1 January 1992 to 31 December 1993;

(c) Handbook on Human Rights and Elections, Centre for Human Rights.

D. Colloquium on African Election Administration

5. The Electoral Assistance Division is co-sponsoring a Colloquium on African Election Administration in Zimbabwe from 15 to 18 November 1994 together with the Department for Development Support and Management Services, the African-American Institute, the International Foundation for Electoral Systems and the National Democratic Institute. The overall objective of the Colloquium is to contribute to the democratization process in Africa through the strengthening of electoral institutions. The Colloquium will bring together African election administrators in order:

(a) To review and explore common challenges to the organization and execution of transparent elections;

(b) To discuss the specific roles and responsibilities of election administrators to further develop African electoral expertise and technically effective administrative systems;

(c) To exchange experience and disseminate lessons learned from recent African elections, including practical strategies for institutionalizing election procedures that have proven successful.

The Colloquium will also provide a basis for ongoing exchange and cooperation among African election administrators. The Colloquium papers will subsequently be edited and compiled to provide a reference book on African election administration.

ANNEX III

Guidelines for Member States considering the formulation of requests for electoral assistance

1. The Secretary-General provided the General Assembly with a set of guidelines for United Nations electoral assistance (A/47/668/Add.1) at its forty-seventh session. The guidelines were designed to assist Member States in formulating requests for such assistance and outlined the various types of assistance that might be provided and the conditions necessary for the United Nations to undertake such involvement.

2. At its forty-eighth session, the General Assembly requested the Secretary-General to prepare a revised set of guidelines for consideration at its forty-ninth session; the revised guidelines were to reflect the experience gained over the last two years. The guidelines provided in the present annex have been prepared in response to that request. Although much of the information in the original guidelines remains valid, these revised guidelines include major changes in policy and procedure that reflect more recent experience.

I. PRECONDITIONS AND TYPES OF ELECTORAL ASSISTANCE

3. Before the United Nations can undertake any type of electoral assistance, two preconditions must be met. The first is the need for a formal, written request for electoral assistance from the Government. To receive the most thorough consideration, this request should be transmitted at least 12 weeks before the election to Mr. Kofi Annan, Under-Secretary-General for Peace-keeping Operations and the United Nations Focal Point for Electoral Assistance. The request may be conveyed through the local UNDP representative or through the permanent mission to the United Nations. The Focal Point, supported by the Electoral Assistance Division of the Department of Peace-keeping Operations, is responsible for all decisions related to the provision of electoral assistance by the United Nations.

4. The second precondition for United Nations electoral assistance is the conduct of a needs assessment mission to the country. Such a mission is essential in determining whether the United Nations should provide assistance and, if so, the most appropriate type of assistance. Members of the assessment mission must assess the degree of support for electoral assistance that exists within the broader body politic of the country, review existing legal provisions relevant to the electoral process and evaluate the overall context and conditions for the planned electoral process. Although consideration must be given to the particular customs and traditions of the requesting State, the assessment mission must determine whether the basic conditions for a legitimate and truly democratic process are present.

5. The initial approach of the United Nations to electoral assistance requests has been to respond positively as frequently as possible. However, recent experience has highlighted the importance of conducting needs assessment missions prior to deciding upon the ultimate type of electoral assistance to be

provided. In some cases, requests for assistance have been unclear; in other cases, suggestions and advice as to the best type of assistance can only be provided after consultations with relevant groups and parties in the country. In the long term, such missions promise to save both time and money for the United Nations and will ensure the most appropriate assistance for the requesting State.

6. The United Nations provides seven basic types of electoral assistance: (a) organization and conduct of elections; (b) supervision; (c) verification; (d) coordination and support for international observers; (e) support for national observers; (f) observation; and (g) technical assistance. Within this general framework, the assistance modalities may be adapted, combined or modified in order to meet the particular needs of a requesting Government.

7. Although the two preconditions outlined above generally apply to all types of electoral assistance, a needs assessment mission may not be necessary when a well-defined request for strictly technical assistance is received. For the first three types of assistance (a, b and c), however, a third prerequisite must be fulfilled. In order to undertake any of these types of operations, a formal mandate must be provided by the Security Council or the General Assembly.

A. Organization and conduct of an electoral process

8. This type of assistance is most complex and has been provided only in Cambodia to date. Such assistance is currently under way in Western Sahara. Owing to the significant lead time required (a minimum of 18 months), as well as the substantial financial, personnel and material resources needed for such an operation, this type of assistance will rarely be mandated.

B. Supervision of an electoral process

9. Supervisory operations, generally undertaken in the context of decolonization, require the United Nations to certify all stages of an electoral process in order to assure its ultimate legitimacy. Such operations are therefore long-term and require substantial personnel and material resources. They are often undertaken in the context of larger peace-keeping operations. Such assistance is not normally provided to Member States, as such activity infringes on the sovereignty of the State. The United Nations most recently supervised an election in Namibia in 1989.

C. Verification of an electoral process

10. In the case of verification operations, the United Nations is requested to verify the freedom and fairness of specific aspects of the electoral process conducted by the national election authority. Because the United Nations is expected to make a final statement on the conduct of the elections, verification must cover all relevant aspects of the electoral process, thus requiring extensive chronological and geographical coverage. Similar to supervision, verification missions must be mandated by the Security Council or General

Assembly and may be one element in a broader peace-keeping mission. Such missions have been conducted in Angola, El Salvador, Haiti, Nicaragua, Mozambique and South Africa.

D. Coordination of international observers

11. Owing to its effectiveness and relative economy, this form of assistance has been used with increasing frequency. At the request of the Government, the United Nations may establish a small coordinating secretariat to support all international observers invited by the Government. This secretariat, normally attached to the local UNDP office, provides an umbrella framework within which international observers receive protocol, logistical and observation support. Such coordination assures consistent and rational coverage of an electoral process by incorporating the individuals sponsored by diverse Governments and organizations into a joint international observer group. Observers are briefed together to ensure a consistent approach and are invited to share their observation findings in a post-election debriefing. This allows individuals and groups participating in the larger observer group to benefit from a more comprehensive view of the electoral process and prepare assessments based on a larger data basis than individual observations would allow.

12. In this case the United Nations maintains a somewhat lower political profile than in verification missions, while providing effective support for an important political process. Since the basic function of the United Nations is the coordination of international observers - not direct observation - the United Nations makes no final statement on the electoral process. As such operations do not require a Security Council or General Assembly mandate, they may be organized relatively quickly and may function for several months (to provide coverage of registration, campaign and the election, as in Malawi) or for several weeks (coverage of the election only in Ethiopia). The costs of the secretariat are minimal and are often covered by those States sending observers.

E. Support for national observers

13. This approach, first utilized by the Electoral Assistance Division for the 1994 elections in Mexico, emphasizes the importance of long-term national capacity-building and the strengthening of existing national institutions. In contrast to the more common practice of sponsoring short-term international election observer missions, the Division provided support for the creation of an effective national observation, based on the participation of some 14 national organizations. Drawing upon previous electoral experiences, the Division provided technical and material assistance aimed specifically at strengthening those organizations' capabilities in observing and assessing the electoral process. Assistance was provided in areas such as observation methodology, logistics, strategic planning and the conduct of quick counts.

14. Although the experience in Mexico was based on cooperation with non-governmental organizations, the United Nations encouraged the implementation of an assistance programme for political parties in Mozambique. In that case, the aim was to strengthen the ability of political parties to field

representatives for every polling station. The assistance programme included the training of trainers proposed by the parties, financial support, nationwide transport and provision of funds for use as per diem. A special computer training programme was also organized for party observers in order that they might track the vote counting process.

15. This type of assistance can be organized without a formal General Assembly or Security Council mandate and can be adapted to suit the particular needs and capabilities of the requesting Member State. This approach is best applied in countries that are relatively well developed and pluralistic, and possess a viable community of non-governmental organizations willing to participate in national election observation.

F. Observation

16. In special cases, a United Nations observer or a small team may be sent to follow an electoral process and provide an internal report to the Secretary-General on the general conduct of the election. However, experience has demonstrated that this form of assistance has negligible effect and is therefore not warranted unless special circumstances prevail. Among the weaknesses of this form of assistance are the almost insignificant impact of a single observer upon the electoral process itself, the potential of such an observer presence to be largely symbolic and the reduced ultimate utility to the Secretary-General of the final report. Combined with these weaknesses are the time and costs involved in identifying, recruiting and deploying an appropriate observer for the time required. In view of the limited benefits and the costs involved, this form of assistance will be undertaken only in special circumstances.

G. Technical assistance

17. Technical assistance is the most frequently requested form of United Nations electoral assistance. Technical assistance may be provided as a component of the larger operations outlined above or may be provided on specific request. Such assistance can be classified in three general categories: (a) those which contribute to national capacity-building through the establishment of new electoral institutions or the strengthening of existing capabilities; (b) those which relate to the human rights aspects of the electoral process; and (c) those which provide specific legal, constitutional, logistic or technical advice as well as various types of electoral equipment and supplies.

18. Technical assistance has been provided in the following areas: advice to electoral authorities; design or restructuring of electoral systems; computerization of electoral components such as registration rolls, vote tabulation and so on; civic and voter education; advice on the drafting of electoral law; constitutional reform; training of poll workers; boundary delimitation; design and/or preparation of a national identity card system; election organization and budget preparation; advice on election security; procurement of election materials such as ballots, ballot boxes, indelible ink and so on; and quick count and parallel vote count.

H. Post-election assistance

19. At its forty-eighth session, the General Assembly approved resolution 48/131, in which it recommended that the United Nations, in order to ensure the continuation and consolidation of the democratization process in Member States requesting assistance, provide assistance before and after elections have taken place, including needs assessment missions aimed at recommending programmes that might contribute to the consolidation of the democratization process. On that basis, the Electoral Assistance Division of the Secretariat and UNDP, as also the Centre for Human Rights, are now mandated to provide post-election assistance. Each of these bodies is accordingly positioned to provide distinct but complementary assistance during the post-election period.

20. The Electoral Assistance Division is currently exploring the modalities for assistance that may be most useful in facilitating the transition from election and democratization activities to established programmes for good governance. As several bodies of the United Nations system such as UNDP and the World Bank are already active on governance issues, the Electoral Assistance Division is examining which forms of assistance may be required in a post-election period for States wishing to strengthen democratic institutions and processes.

21. At this stage, the Division can provide only limited support by organizing needs assessment missions, providing technical support for the coordination of donor activities in this field and eventual sponsorship of democratization activities in special situations. The Centre for Human Rights can provide support for democratization as related to human rights concerns. In Malawi, the Centre has offered to provide human rights training and education, particularly for those involved in the administration of justice, assistance for legislative reform, assistance to national human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights. Established UNDP governance programmes have included assistance with civil service reform, decentralization and local government and support for civil society organizations.

II. FINANCIAL ARRANGEMENTS

22. If necessary, small amounts, as might be required to finance needs assessment missions, can be made available from the Trust Fund for Electoral Observation. However, assistance on a larger scale is to be provided through cost-sharing arrangements or indicative planning figure funding. UNDP country offices have been very effective in this area and many good examples of funding mechanisms are available.

UNITED
NATIONS

A

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Enhancing the effectiveness of the principle of periodic and genuine elections

Report of the Secretary-General

Corrigendum

In annex I, for the entry of Mexico, substitute the following text:

MEXICO

Request: In late May 1994, the Government requested technical assistance to national observers for the elections scheduled for 21 August 1994 and, prior to the elections, the preparation of an analytical report on the Mexican electoral system.

Action taken: In June 1994, the United Nations Technical Assistance Team in Mexico (ETONU-MEX), was established in Mexico City. ETONU-MEX was composed of a core team of 11 specialists based in Mexico City and 32 consultants based in every Mexican state.

ETONU-MEX provided assistance to 14 national non-governmental organizations, which mobilized approximately 30,000 observers. The support provided to non-governmental organizations cost $5 million, provided by the Government of Mexico and channelled through the United Nations Trust Fund for Electoral Observation. The technical assistance included electoral observation methodology; preparation of observer manuals; technical

support ranging from logistics manuals to the development of strategic plans and the organization of quick counts.

The analytical report on the electoral system was prepared in July by a team of senior international experts and presented to the Government by the Electoral Assistance Division on 11 August 1994.

A workshop was organized by the United Nations in Vera Cruz, Mexico, from 10 to 12 October 1994, in order to assess the lessons learned from technical assistance provided by ETONU-MEX. The Mexican electoral authorities and the observer groups participated in the workshop.

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17 November 1994

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 62
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Forty-ninth year

Letter dated 17 November 1994 from the Permanent Representative of Ukraine addressed to the Secretary-General

I have the honour to transmit herewith the text of the Law of Ukraine entitled "On the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968", dated 16 November 1994 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the forty-ninth session of the General Assembly, under agenda item 62, "General and complete disarmament", and of the Security Council.

(Signed) Anatoli ZLENKO
Permanent Representative
of Ukraine to the United Nations

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ANNEX

[Original: Russian]

Law of Ukraine on the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, dated 16 November 1994

Pursuant to the provisions of the Declaration of State Sovereignty of Ukraine, dated 16 July 1990, the statement by the Verkhovna Rada (Parliament) of Ukraine on the nuclear-free status of Ukraine, dated 24 October 1991, the resolution of the Verkhovna Rada (Parliament) of Ukraine dated 9 April 1992, on additional measures to ensure that Ukraine gains nuclear-free status, the resolution of the Verkhovna Rada (Parliament) of Ukraine dated 18 November 1993, ratifying the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, and the Protocol thereto, signed in Lisbon on behalf of Ukraine on 23 May 1992, and the resolution of the Verkhovna Rada (Parliament) of Ukraine dated 3 February 1994, on the implementation by the President of Ukraine and the Government of Ukraine of the recommendations contained in paragraph 11 of the resolution of the Verkhovna Rada (Parliament) of Ukraine ratifying the Treaty between the Union of Soviet of Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, and the Protocol thereto, signed in Lisbon on behalf of Ukraine on 23 May 1992, the Verkhovna Rada (Parliament) of Ukraine resolves:

To accede to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, with the following reservations:

1. The provisions of the Treaty do not fully apply to the unique situation which has come about as a result of the collapse of a nuclear State, the Union of Soviet Socialist Republics;

2. Ukraine is the owner of the nuclear weapons inherited by it from the former USSR. Following the dismantling and destruction of these weapons under the control of Ukraine and in accordance with procedures to render impossible the re-use for their original purpose of the nuclear materials that are components of these weapons, Ukraine intends to use the aforesaid materials exclusively for peaceful purposes;

3. The existence on the territory of Ukraine of nuclear weapons until their complete elimination, and also the necessary work to maintain, service and eliminate those weapons, are not contrary to the provisions of articles I and II of the Treaty;

4. The threat or use of force against the territorial integrity and inviolability of the frontiers or against the political independence of Ukraine by any nuclear State, as well as the use of economic pressure designed to subordinate to that State's own interests the enjoyment by Ukraine of the rights

inherent in its sovereignty, shall be deemed by Ukraine to be exceptional circumstances placing its supreme interests under threat;

5. The instruments on the accession of Ukraine to the Treaty shall be transmitted to the depositary countries of the Treaty upon the entry into force of this Law;

6. This Law shall enter into force once Ukraine has been furnished by the nuclear States with guarantees of its security, in the form of the signing of an appropriate instrument of international law.

A. A. MOROZ
Chairman of the Verkhovna Rada (Parliament)
of Ukraine

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Forty-ninth session
Agenda item 93

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur of the Commission on Human Rights, in accordance with Commission on Human Rights resolutions 1993/20 and 1994/64 and Economic and Social Council decision 1994/307.

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ANNEX

Report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Commission on Human Rights resolutions 1993/20 and 1994/64 and Economic and Social Council decision 1994/307

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INTRODUCTION

1. In its resolution 1993/20 of 2 March 1993, the Commission on Human Rights decided to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and to request him to report thereon to the Commission on an annual basis, beginning at its fiftieth session.

2. In the same resolution, the Commission expressed its deep concern at the manifestations of racism, racial discrimination and xenophobia in many parts of the world and recommended that the General Assembly should launch a third decade to combat racism and racial discrimination, to begin in 1993.

3. The Commission also emphasized the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism, racial discrimination, xenophobia and related intolerance, including those practised against vulnerable groups. It also confirmed the importance of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level.

4. The Commission recognized the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life and appealed to all Governments to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Commission urged all Governments to undertake immediate measures and to develop strong policies effectively to combat racism and eliminate discrimination.

5. Finally, the Commission requested the Secretary-General to provide the special rapporteur with all the necessary assistance, in particular the staff and resources required to perform his or her functions, especially in carrying out missions and following them up.

6. Appointed Special Rapporteur on 7 December 1993, Mr. Maurice Glélé-Ahanhanzo (Benin) submitted his preliminary report (E/CN.4/1994/66) to the Commission on Human Rights at its fiftieth session in February 1994.

7. Having considered and taken note of the report, the Commission, in its resolution 1994/64 of 9 March 1994, welcomed the Special Rapporteur's proposal concerning the organization of an interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of contemporary forms of racism, racial discrimination and xenophobia.

8. The Commission also made the mandate more explicit by requesting the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance, as well as

governmental measures to overcome them, and to report on those matters to the Commission at its fifty-first session.

9. The Commission also requested the Special Rapporteur to have an exchange of views with the relevant mechanisms and treaty bodies within the United Nations system, including the Committee on the Elimination of Racial Discrimination, in order to further enhance their effectiveness and mutual cooperation, and encouraged him, in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental and non-governmental organizations, to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance.

10. Lastly, the Commission requested the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate and enabling him to submit an interim report to the General Assembly at its forty-ninth session and a comprehensive report to the Commission at its fifty-first session.

11. On 3 November 1994, the Economic and Social Council, in its decision 1994/307, approved the Commission's request to the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate and enabling him to submit an interim report to the General Assembly at its forty-ninth session and a comprehensive report to the Commission at its fifty-first session.

12. It should be noted also that the Assistant Secretary-General for Human Rights, basing himself on the recommendations of the Vienna World Conference on Human Rights and the relevant resolutions of the Commission on Human Rights (1993/46 and 1994/45), sent a letter on 29 August 1994 to the Special Rapporteur, drawing his attention to the need to report regularly and systematically on available information on human rights violations affecting women.

13. Accordingly, this report has been prepared in response to the above-mentioned request of the Commission on Human Rights, which was approved by the Economic and Social Council, and takes account of the reminder from the Assistant Secretary-General for Human Rights concerning the particular situation of women. In the first section, the Special Rapporteur reviews the steps taken to define his mandate and then describes his working methods (sect. II). In section III, the Special Rapporteur reports on contemporary manifestations of racism and racial discrimination and on incidents which have been brought to his attention; he then proceeds in Chapter IV to identify the causes and vectors. Section V reviews the measures taken by Governments to remedy the situations described, the state of public opinion and initiatives of civil society, especially non-governmental organizations, that help to combat racism and promote social harmony. Lastly, section VI sets out the Special Rapporteur's conclusions and recommendations.

14. As administrative constraints limit the length of the report, the Special Rapporteur will include only material he considers essential.

I. CONCERNING THE MANDATE OF THE SPECIAL RAPPORTEUR

15. As the Special Rapporteur's mandate was dealt with at length in the preliminary report (E/CN.4/1994/66, paras. 9-31) it requires no further discussion. The Special Rapporteur would like to focus in this section on two key aspects, the main aims of the mandate and discrimination against Muslims, bearing in mind the new elements contained in Commission on Human Rights resolution 1994/64.

16. The Special Rapporteur's mandate, which includes "racism, racial discrimination, xenophobia and related intolerance", encompasses a broad range of situations. In its resolution 1993/20, the Commission placed emphasis on recent manifestations of racism and xenophobia in developed countries and in particular on the situation of migrant workers and other vulnerable groups. In that connection, the Commission specified, in resolution 1994/64, that the present study should deal with situations in which Blacks, Arabs and Muslims were the targets, and with xenophobia, negrophobia, anti-Semitism and related intolerance. Mention should also be made in this context of resolution 1993/30, in which the Commission recommended to all thematic rapporteurs that they should pay particular attention, within the framework of their mandates, to the situation of indigenous peoples.

17. In resolution 1994/64, the Commission requested the Special Rapporteur to examine discrimination against Muslims. While mindful of this element of his mandate (Islam in the contemporary world, Islamism, the Islamic headscarf, etc.), the Special Rapporteur considers that this issue should be taken up by the Special Rapporteur on religious intolerance in order to avoid any duplication of the latter's mandate.

II. WORKING METHODS OF THE SPECIAL RAPPORTEUR

A. Scope of analysis

18. The considerations outlined above show that the mandate covers a vast area of research and reflection that calls for an open and multidisciplinary methodological approach. The Special Rapporteur views it as a two-pronged approach, having a theoretical and conceptual side and a factual side.

19. First of all, the complexity and subtlety of the central theme - contemporary forms of racism, racial discrimination, xenophobia and related intolerance - should be stressed. Without embarking on a lengthy academic discourse, given the wealth of scholarly and scientific literature on the subject, particularly that prepared under the auspices of UNESCO 1/ and the Subcommission on Prevention of Discrimination and Protection of Minorities, 2/ it is important to review the background briefly and to present some definitions drawn from conventions and international instruments in order to establish an analytical framework and define the scope of the study.

20. Racism is a product of human history, a persistent phenomenon that recurs in different forms as societies develop, economically and socially and even scientifically and technologically, and in international relations. In its

specific sense, racism denotes a theory, which purports to be scientific but is in reality pseudo-scientific, of the immutable natural (or biological) inequality of human races, which leads to contempt, hatred, exclusion and persecution or even extermination. 3/ It differs in this respect from the stereotypes existing in many of the world's societies, which are not in themselves of any consequence but which may occasionally generate ethnic or religious tensions or conflicts that are frequently comparable to racism.

21. In modern times, the notion of racism is associated in particular with the names of Arthur de Gobineau 4/ and his disciples, Madison Grant, Houston Stewart Chamberlain, Baur, Fischer, Lenz and Günther. It appeared in the late nineteenth and early twentieth century in the context of the white man's claim to superiority - the "white man's burden" of carrying civilization to the other peoples of the world - over certain minorities living in Europe, including the Jews (see para. 37 below), and such peoples as the Slavs 5/ as well as Blacks and other peoples enslaved and subjugated by colonial expansion. 6/

22. Even Holy Scripture has been used to underpin and justify racism by reference to the curse of Shem and his descendants, supposedly the Blacks, and to the chosen people or, alternatively, to the crime of deicide, with the Jews being accused of killing Jesus Christ. The outcome was slavery and the Black slave trade, the age-old bleeding of Africa, and anti-Semitism, compounded by the economic power of the Jews.

23. Some authors have traced back to the great Greek philosopher Aristotle the theory of a hierarchy among men and peoples and of the natural inferiority of some peoples that destined them to slavery. Quoting Michael Banton, Hernán Cruz writes that, for Aristotle,

> "the people living in northern Europe were brave, but lacking in intelligence and consequently unfitted for political organization or the exercise of power. Asiatics were inventive and intelligent, but lacking in spirit. The Greeks, however, being geographically well situated, were accordingly by nature fitted to rule the earth. Aristotle maintained that slavery was a natural state of affairs. 'Those who are so much inferior to others as is the body to the soul, and beasts to men, are by nature slaves and benefit, like all inferiors, from living under the rule of a master.'" 7/

Thus do racial prejudices arise which persist undiminished to this day. 8/

24. Social science and humanities specialists agree that in the wake of the scientific and cultural demolishing of racist myths by UNESCO, the biologically based view of the phenomenon has recently lost ground among racism's staunchest adherents to a new concept centred on the hierarchy of cultures and their fundamental incommunicability. 9/ Thus those who advocate such a hierarchy are unaware of or deliberately misconstrue the latest scholarly and scientific literature, particularly that produced by UNESCO, on race and culture, the principles of equal dignity of the human individual, the affirmation of cultural identities and cultural diversity, values universally recognized at the World Conference on Cultural Policies, organized by UNESCO at Mexico City in 1982, and

enshrined in the Universal Declaration of Human Rights and the UNESCO Constitution. One might also mention here article 1 of the 1966 Declaration on the Principles of International Cultural Cooperation, which proclaims that each culture has a dignity and value which must be respected and preserved, that every people has the right and the duty to develop its culture, and that, in their rich variety and diversity, and in the reciprocal influences they exert on one another, all cultures form part of the common heritage belonging to all mankind. 10/

25. In any case, it bears noting that, as the twenty-first century approaches, theories that posit a biological (or genetic) justification for racial inequality remain in vogue: in the United States of America, the racist conclusions drawn by Charles Murray and Richard Herrnstein in their recent work on the lower intelligence quotient of Blacks have reverberated loudly both inside and outside the country, to such an extent that President Clinton had to speak out publicly against this resurgence of racism. The authors maintain that Blacks are genetically inferior to Whites, and that this is borne out by the discrepancy between the intelligence quotients of Blacks and Whites. There is thus no hope of bridging the intellectual gulf that separates the two races by means of palliative measures to benefit Blacks. 11/

26. The persecution suffered by Blacks continues to be associated with their physiological characteristics, their physical form and structure, the colour or pigmentation of their skin, viewed from an ethnographic or, at best, anthropological perspective that is often tinged with condescension for "ahistorical" peoples, to use Hegel's term, or "subhumans" or "savages".

27. In short, then, contemporary racism is a kind of anachronistic biological and cultural fundamentalism, given that the current trend of human societies is towards racial mixing and globalization.

28. Racial discrimination means the legitimization of racism and applies to all practices deriving therefrom. It is defined in the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex) as follows:

> "In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

It should be stressed - for this is often overlooked - that the definition set out in the Convention refers not only to distinctions, exclusions, restrictions or preferences based on race, colour or descent but also to those based on national or ethnic origin. From this it can be seen that racial discrimination covers situations which do not have their origin in racial antagonisms stricto sensu, but have to do with within a single race or between ethnic groups animosities.

29. Xenophobia is defined as a rejection of outsiders. Heterophobia - that is, the fear of the Other - is only one of its dimensions. This feeling is based on the existence of persons resident in a country to which they do not belong. There are those who would distinguish xenophobia from racism, but in many cases the two phenomena are similar. Xenophobia is currently fed by such theories and movements as "national preference", "ethnic cleansing", by exclusions and by a desire on the part of communities to turn inward and reserve society's benefits in order to share them with people of the same culture or the same level of development. Today we seem to be witnessing an institutionalization of xenophobia in the form of the measures taken by certain States against migrant workers and asylum-seekers.

30. Intolerance would seem to be a generic yet all-encompassing term. In fact, intolerance is not a complement to racism, as the wording of the mandate would seem to imply, but lies at the root of other phenomena. It is the refusal to accept the Other for what he is, with his differences, and the violation of his integrity, his person or even his property because of his differences which lead to racism, racial discrimination and xenophobia.

31. In addition to the central theme which has just been clarified, the terms "negrophobia" and "anti-Semitism" which appear in Commission on Human Rights resolution 1994/64 merit further discussion.

32. Negrophobia is the fear and rejection of Blacks. This feeling is associated with age-old prejudices against peoples of black African origin. The African slave trade and colonization have helped to forge racial stereotypes that elicit contempt and incomprehension and linger in the consciousness of Europeans in particular.

33. Blacks have long been seen, and in some circles are still seen, as uncultured savages, repugnant yet capable of being worked to death. 12/ Answerable to the colour of his skin, the African, owing to historical events associated with his encounter with other peoples, has come to symbolize in the consciousness of these peoples "an imaginary and illusorily inferior racial essence of the Negro". 13/

34. One wonders here whether the contempt or condescension vis-à-vis Blacks observable in certain Asian or Arab and even Latin American countries comes from the negative image of Blacks disseminated by white racist colloquial speech or whether it is endogenous there. The Special Rapporteur would like to elicit some discussion on this delicate, not to say taboo, question and, if necessary, conduct some research in this area.

35. Without wishing to seem Manicheistic, the Special Rapporteur feels compelled to point out that racism is not a one-way street; racism begets racism and xenophobia - one need only look to the armed struggle against colonialism and such schools of thought as the Arab renaissance, Negritude (or the African personality), and the rehabilitation of indigenous cultures in several parts of the world. 14/ Meanwhile, the development of anti-White movements has been observed even in European countries. Nor can one overlook or underestimate the genuine fervour and humanitarian activities of the Société des Amis des Noirs or contemporary humanitarian efforts to promote the equal dignity of the human

person, to combat racism, racial discrimination and xenophobia and to develop the solidarity called for by the interdependence of the world's peoples and civilizations in which human rights have become the ultimate universal referent.

36. Negrophobia can be seen today in the labelling of Africans as the source of acquired immunodeficiency syndrome (AIDS). Africa is presented as the land of plagues without a future, while no analysis is made or indication given of the real, objective causes of the disasters, famines and armed conflicts afflicting the continent. 15/

37. Anti-Semitism is the despising of Jews. 16/ This sentiment can be considered to be one of the root causes of racial and religious hatred. It has served to convey a set of beliefs, myths, fears and fantasies that have fired the imaginations of generations of men, women and children. Pseudo-scientific anti-Semitism has been spread for the past 150 years, reaching its zenith in Nazi anti-Semitism and genocide. The anti-Semitism which has stamped in people's minds caricatures and hateful images of Jews, traditionally linked physically to Satan, usurers, exploiters and conspirators 17/ is the product of the Christian doctrine which in the Middle Ages accused the Jews of deicide - specifically, the killing of Jesus Christ. Certain adherents of Judaism continue to treat Christ as an impostor. However, this is a complex and difficult question which should be left to theologians and the competent clergy.

38. Having outlined this broad conceptual framework, the Special Rapporteur would now like to indicate the source materials on which he drew.

B. Sources

39. In the aforementioned resolution 1994/64, the Commission on Human Rights called upon all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as the non-governmental organizations, to supply information to the Special Rapporteur. It also requested the Special Rapporteur to use any information that he might deem relevant to his mandate as established in Commission resolution 1993/20 of 2 March 1993.

40. On the basis of those recommendations, the Special Rapporteur on 11 February 1994 sent to States Members of the United Nations and to other States a detailed questionnaire with a view to informing them of his mandate and collecting information. The Secretary-General then sent a note verbale and letters dated 31 May 1994 to States, the specialized agencies and non-governmental organizations.

41. The following countries provided information in response to either the Special Rapporteur's questionnaire or the Secretary-General's note verbale, in accordance with Commission on Human Rights resolution 1994/64: Belarus, Benin, Bolivia, China, Czech Republic, Denmark, Germany, Ghana, Iran (Islamic Republic of), Iraq, Ireland, Israel, Jordan, Kuwait, Luxembourg, Mauritius, Mexico, Myanmar, Norway, Pakistan, Panama, Qatar, Romania, Saudi Arabia, Spain, Switzerland, Tunisia, Ukraine, Yemen and Zambia, a total of 30 States.

42. The Special Rapporteur also received assistance from the International Labour Office, particularly the Migration and Population Service, with which he held a working meeting.

43. Lastly, the Special Rapporteur would like to mention the communications he received from the Council of Europe, the European Commission of Human Rights and the League of Arab States.

44. Some non-governmental organizations, some of which are in consultative status with the Economic and Social Council, also provided information to the Special Rapporteur. These were: Anti-Racism Information Service, the International Association against Torture, the World Jewish Congress, the International Council of Jewish Women, the International Federation of Human Rights, the World Council of Churches, the International Movement Against All Forms of Discrimination and Racism, the International Women's Rights Action Watch, the International Human Rights Association of American Minorities, the Roma National Congress, the International Fellowship of Reconciliation and the Movement Against Racism and for Friendship among Peoples.

45. The information received was used only when it proved useful to this study. In addition, a number of Governments affirmed that racism, racial discrimination and xenophobia did not exist in their territory and in most cases they indicated the steps they had taken to prevent them. 18/ This information was supplemented, where necessary, by information gleaned from scientific publications and the press.

C. Missions

46. Missions, which both the Commission on Human Rights and the Economic and Social Council have recognized as useful 19/ are intended to allow the Special Rapporteur to assess the conditions actually prevailing in a country by giving him direct access to first-hand reports and to the dialogue established with the authorities of the countries concerned and key figures in civil society. Under no circumstances are missions intended to indict the Governments visited; on the contrary, they seek to bring to light, where possible, the efforts that are being made to rectify a situation identified as negative.

47. Missions are selected taking into account the criterion of geographical distribution and bearing in mind that racial discrimination is a phenomenon which, because of its multifaceted nature, occurs on all five continents.

48. By the end of 1994, the Special Rapporteur will have visited two countries: the United States of America, which he visited from 10 to 21 October, and the United Kingdom, which he will visit from 6 to 16 December. The reports on these missions will be issued as addenda to the report which will be submitted to the Commission on Human Rights at its fifty-first session, in February 1995, but the Special Rapporteur intends to give a brief summary in this report of cases which he learned about during his mission to the United States of America, and to give an idea of the general lines which his inquiries will follow in the United Kingdom.

49. In 1995, the Special Rapporteur plans to go to Brazil and Germany, whose Governments have already agreed in principle to his visit. Contacts have already been made with the French Government, and the Special Rapporteur expects to have a reply shortly. Contacts are to be made with countries in Africa, Latin America, Asia, Europe and the Pacific Ocean region, it being understood, however, that the Special Rapporteur is limited by the applicable rules to no more than three missions a year.

D. Seminar

50. In his preliminary report, the Special Rapporteur proposed the holding of a seminar for the purpose of bringing together specialists from several disciplines (anthropology, law, economics, history, philosophy and sociology) and persons active in combating racism and racial discrimination, in order to review current thinking on the question and to seek innovative means of suppressing contemporary outbreaks of racism and racial discrimination. While welcoming the Special Rapporteur's proposal, the Commission on Human Rights had not made the necessary resources available to the Secretariat for the convening of this meeting. Accordingly, as the General Assembly considers this report, the Special Rapporteur would like to enlist the Assembly's support for the holding of the seminar in 1995.

III. CONTEMPORARY MANIFESTATIONS OF RACISM AND RACIAL DISCRIMINATION AND INCIDENTS

51. Given the human and material circumstances under which the Special Rapporteur prepared this report, it would obviously be difficult here to list all contemporary manifestations of racism and racial discrimination or to discuss related events in details. If his working conditions improve, the Special Rapporteur hopes to be able to submit a more substantial document to the Commission on Human Rights. For the time being, however, he will confine himself to the most striking manifestations and incidents.

52. It should be made clear that the fact that the Special Rapporteur mentions certain countries here does not imply any wish on his part to stigmatize them. On the contrary, he would like to acknowledge the spirit of cooperation shown by these countries and the transparency - in contrast with other countries - with which they are dealing with the problems confronting them.

A. Racism and racial discrimination in general

53. During 1994, the Special Rapporteur ascertained that racism and racial discrimination persist, are taking increasingly violent forms and enjoy the support of growing numbers of fringe groups in several regions, particularly America and Europe. Ethnic hatred has brought about serious crises in Zaire and the former Soviet Union as well as in Rwanda and Yugoslavia. In the Sudan, the conflict between the Arabs of the north and the black Africans of the south continues to make headlines. The relations between Arab-Berbers and black

Africans in Mauritania and Tuaregs and black Africans in Mali have also drawn the attention of the Special Rapporteur.

54. In the United States of America, it is the country's African-American, Jewish, Arab, Hispanic (Latino) and Asian citizens as well as the indigenous population (Amerindians) who have daily experience of racism and racial discrimination, even though racial segregation has been officially abolished. In addition to these communities, which experience problems of integration into society, there are immigrants who come from the same countries. Here, the discrimination is indirect, subtle and condoned by the federal system, with individual states using their internal autonomy to bypass or oppose federal laws. A case in point is Proposition 187, recently adopted in California and now the subject of judicial proceedings. Furthermore, the liberal ideology which informs American society is reflected in an individualism which borders on egoism; merit or professional success becomes a dogma that ignore the causes of social inequalities, which have their origin in slavery and racial segregation, and dooms the positive steps taken by the federal Government to reduce inequalities and strike a balance between the different communities.

55. The universally proclaimed interdependence and indivisibility of civil and political rights and economic, social and cultural rights are not yet fully established in the United States of America. It is precisely in the socio-economic realm of housing, education, health and employment that African-Americans, native Americans, Hispanics and Asians suffer the most insidious racial discrimination. Women belonging to these communities suffer from double discrimination, particularly in employment. Police brutality and flaws in the criminal justice system are illustrated by frequent incidents which are given wide coverage in the mass media. It should also be noted that latent or muted tensions exist, caused by economic factors which accentuate the tendency of ethnic minority communities to live in ghettoes. Jews are particularly targeted by the racist propaganda of extreme right-wing movements. Their property is attacked and burned; their synagogues and cemeteries are desecrated.

56. Immigration is becoming more and more strictly regulated. Fear of being "invaded" by foreigners, a refusal to share the pie with newcomers and problems in bringing about national social and economic integration pose a challenge to the world's greatest Power. In recognition of that challenge, the United States authorities have made laudable efforts, which will be discussed in the mission report.

57. In Europe, an unwholesome climate may be observed 20/ in which xenophobia and racism are flourishing. The principal victims of this situation are immigrants and refugees from developing countries (Africans, Asians, Arabs and Turks) and the countries of Eastern Europe, including Gypsies. Legislation enacted by a number of European countries and by the European Union increasingly discriminates against these groups. There is thus a growing perception that Europe should be a continent inhabited chiefly, if not exclusively, by Europeans: "Third country nationals have no rights under the Single European Act and the distinguishing criterion of race has been introduced with a system of pass laws." 21/

58. Some think that the legal restrictions imposed on immigration and the right of asylum in Europe encourage xenophobia. 22/ In this regard, the Iranian Government declared that "the issue of the implications of Europe's immigration policy for the practice of xenophobia needs to be considered by the Special Rapporteur, as well as the ways and means to overcome the adverse consequences of the restrictive measures of this policy". 23/ In France, for example, the Movement against Racism and for Friendship among Peoples believes that the laws promoting racism are accepted, indeed justified. Xenophobia is becoming widespread and public opinion would appear to endorse the anti-immigrant laws. 24/ The malevolent physical attacks on foreigners which have been increasing recently in European cities bear witness to the very real hostility that exists towards foreigners.

59. As the Danish Government reported, an inquiry initiated by the European Union showed that from 12 July 1992 to 1 August 1993 there have been 144 episodes, which have been subject to police investigation in connection with suspicion of a criminal act by which the motive of the act is assumed to be related to racism or xenophobia. The episodes are primarily of a less serious nature (dissemination of xenophobic texts and the like). However, a few serious episodes have occurred, notably arson and attempted bombing of asylum centres. It should be stressed that in no case has serious personal injury occurred. Furthermore, there have been incidents of discrimination in access to places open to the general public, notably discotheques. 25/

60. There have been notable incidents of a xenophobic or racist nature in Belgium, Denmark, France, Germany, Italy, Sweden, Switzerland and the United Kingdom. Numerous acts of violence of a xenophobic or racist nature are perpetrated by national police forces. According to Amnesty International, "the behaviour of law enforcement officers mirrors the rising tide of racism in Europe". 26/ This human rights organization has documented an increasing number of cases where race appears to be a factor among the many reports of torture and ill-treatment by police and other government agents ... in Western Europe. 27/

61. In 1992, the German Federal Office for the Protection of the Constitution recorded 2,584 acts of violence prompted by xenophobia, an increase of 74 per cent over the 1,486 acts of violence recorded in 1991. Seventeen people, of whom seven were foreigners, died in 1992 as a result of such acts. This is the highest figure recorded since the founding of the Federal Republic of Germany.

62. As in 1991, foreigners - in particular asylum-seekers - and their homes were the principal targets of those attacks: approximately 88 per cent of the acts of violence committed were directed against foreigners. In 63 cases (40 in 1991), the acts were anti-Semitic in nature. Acts directed against Jews have therefore increased to a lesser degree than those directed against foreigners in general.

63. The wave of violence perpetrated by right-wing extremists reached its highest point in September 1992, when 536 acts of violence were recorded. The end of that summer saw an escalation in violence, launched by several days of riots directed against foreigners at Rostock-Lichtenhagen (from 22 to 28 August); this far exceeded the events of 1991

64. In 1993, 783 acts of violence in which xenophobia was the confirmed or probable motive were recorded. Despite the considerable drop in the number of offences after September 1992, there was an increase of nearly 200 acts of violence over the same period for the previous year. 28/

65. On 9 October 1994, in the city of Magdeburg, five skinheads attacked four African asylum-seekers. During the assault one African sustained knife wounds after being attacked with a broken beer bottle. The attackers got away. In Berlin, extreme-right youngsters beat up a passenger and then tried to push him out of the subway. The injured victim was taken to the hospital. That same day, skinheads attacked another three persons. 29/

66. The Special Rapporteur would like to cite the Committee on the Elimination of Racial Discrimination, reporting on the situation in Germany at its forty-third session: .

> "The Committee expressed serious concern at the manifestations of xenophobia, anti-Semitism, racial discrimination and racial violence that had recently occurred in Germany. In spite of the Government's efforts to counteract and to prevent them, it appeared that those manifestations were increasing and that the German police system had in many instances failed to provide effective protection to victims and potential victims of xenophobia and racial discrimination, as required by the Convention. The Committee particularly held that all those who carried out functions in public and political life should in no way encourage sentiments of racism and xenophobia." 30/

67. With regard to the behaviour of police towards foreigners, on 13 September 1994 in Hamburg, 27 police officers were suspended from duty as a result of complaints that they had maltreated foreigners. Some of those officers were even under the suspicion of having close links with extreme right organizations. The Interior Minister of Hamburg, W. Hackmann, resigned, claiming that it was in protest against the behaviour of some police officers towards foreigners. The whole scandal followed an article which had been published in the local newspapers, according to which, on 15 January 1994, a 44-year-old Senegalese had been beaten up by two police officers for wearing a cap with an anti-Nazi slogan. The two police officers were never put on trial, and they were merely ordered by the public prosecutor to pay a fine of 5,400 deutsche mark (DM). The Minister of Justice of Hamburg has initiated an inquiry to examine 120 declarations of police misconduct.

68. That event in Hamburg was not isolated. In Berlin the public prosecutor sentenced three police officers to pay fines from DM 10,000 up to DM 14,000. They had dragged an Iranian from a bus on Christmas Eve in 1992 and maltreated him. And in Bernau, a small city near Berlin, a chief of police is under the suspicion of having systematically maltreated Vietnamese. According to Amnesty International, there is a huge increase in the number of cases of maltreatment of foreigners by the German police. 31/

69. In Belgium, on 15 October 1994, a report by the Committee for the Prevention of Torture and Inhuman Treatment of the Council of Europe asserts that the Belgian police are guilty of violent action against detainees and

against foreigners in particular, especially the deportation of clandestine immigrants, which is considered too harsh. 32/

70. In France, according to a study done by the Commission nationale consultative des droits de l'homme, racism can be seen in many serious acts. 33/ Racism has grown in France since 1982 and remained at a relatively high level until 1991, when it dropped noticeably. Acts motivated by racism are often of an extremely serious nature. A significant number of physical attacks have resulted in casualties: since 1980, 25 persons have been killed, while 289 were wounded through December 1992 inclusive.

71. Amnesty International has denounced the involvement of the French police in acts of racist violence against foreigners. Victims of the French police actions were mostly young non-Europeans. Amnesty describes in its report cases in which people were killed by policemen who recklessly and without respect for the law resort to violence. In April 1983, for instance, a policeman put his gun during the interrogation to the head of a 17-year-old Zairian suspected of stealing cigarettes and shot him dead. The police officer stated that he felt threatened and that he had only wanted to scare the boy. 34/

72. In Sweden, racist activities and attacks include street confrontations and attacks on refugee hostels. 35/

73. In Switzerland, according to the Government, the only notable current manifestation of racial discrimination is the increase during 1991 and 1992 of acts of violence directed against asylum-seekers' hostels. Such acts have sharply decreased since 1993, however.

74. Today foreigners make up approximately 18 per cent of Switzerland's resident population. Since 1989, there has been an exceptional increase in the number of acts of violence or rejection directed at persons of foreign origin, including attacks against asylum-seekers' hostels. It would appear that such behaviour, characterized by latent xenophobia, which is fairly widespread among the population, and by certain acts of violence committed by a small minority of individuals, is based upon hatred for and distrust of foreigners of a different culture, race or colour, especially asylum-seekers, who are not well received in the society.

75. This situation has elicited a reaction from the Federal Council, which has condemned such acts. The preventative measures taken seem to be bearing fruit, since, according to statistics from the Office of the Public Prosecutor of the Confederation, the number of attacks against asylum-seekers' hostels has followed this pattern: 77 in 1991; 42 in 1992; 9 in 1993; and 2 in January-May 1994. There are no reliable statistics for other possible manifestations of racial discrimination; however, according to the Federal Council report of 16 March 1992 on extremism in Switzerland, in addition to acts directed against centres for asylum-seekers, 14 xenophobic or extreme-right acts were committed in 1990 and 19 in 1991.

76. Gypsies, also called Tziganes, Rom or Romanies, are a group which is particularly targeted by rising racism and xenophobia in Europe.

77. In this regard, the Irish Government has disclosed that this community constitutes the major cultural minority against which discrimination exists in Ireland. The travelling community is characterized by a long history in Ireland, shared cultural traditions, distinctive patterns of economic activity and a distinctive travellers' language.

78. There were 3,671 traveller families officially recorded in 1991, amounting to perhaps 25,000 persons. Of those, 1,473 families were accommodated in local authority standard housing, 233 families in local authority group housing, 36 families in local authority chalet sites, and 797 families in local authority services halting sites, making a total of 2,539 families in public accommodation. Thus, 1,132 families were living on the roadside, often in appalling conditions, despite statutory provisions for the assessment of their accommodation needs by housing authorities contained in the Housing Act, 1988 (sect. 9).

79. Travellers have also expressed the view that, where accommodation and services are provided, these do not always adequately reflect their needs. They also have objected to a number of legal and administrative requirements, such as electoral registration, which are predicated on the concept of a permanent address.

80. Travellers have experienced widespread discrimination in Ireland. This discrimination manifests itself in terms of denial of access to premises, goods, facilities and services in many instances, such as refusal of entry to particular restaurants or public houses, and difficulties in having children enrolled in schools, as well as in discriminatory attitudes towards travellers. Occasionally incidents of physical violence against travellers are reported.

81. The Government's response to the needs of, and discrimination against, the travelling community has evolved following the reports of the Commission on Itineracy in 1963 and the Review Body on Travelling People in 1983. In 1993, the Minister for Equality and Law Reform established the Task Force on the Travelling Community. 36/

82. The Czech Government, for its part, believes that racial discrimination could be considered in relation to the Romany population; there have been certain manifestations of the tendency to discriminate against the Romanies, for example, in the labour market. It must be pointed out, however, that in individual cases it is very difficult to distinguish between discrimination against the Romanies and justified reservations concerning their willingness to acquire and keep jobs, their discipline at work and qualifications.

83. In 1993 and 1994, the Council for Nationalities of the Government of the Czech Republic did not consider any concrete cases of discrimination against members of national minorities. However, manifestations of interethnic conflicts and racial aggression advocated by extremist groups of young people and targeted, especially against the Romanies, represent a more serious problem.

84. Moreover, the immigration and naturalization legislation adopted by the Czech Republic after Czechoslovakia was divided contains some provisions which discriminate against the Roma. After the separation of Czechoslovakia, all

citizens of the two new republics had to apply again for new citizenship. In Slovakia there was no problem, since all the applications for Slovak citizenship were accepted. The Immigration Act of the Czech Republic, on the contrary, makes it very difficult for certain groups, and especially for the many Sinti and Roma of Slovak origin, to get Czech citizenship. Under the Czech Immigration Act, foreigners can only obtain Czech citizenship if they have resided five years in the country prior to their application and have no criminal record. Many Sinti and Roma living in the Czech Republic do not fulfil these requirements and are thus stateless. Human rights organizations consider this law highly discriminatory and foresee that more than 100,000 Sinti and Roma will become stateless. The deadline for the application for Czech citizenship was 1 July 1994. By then, only 30 per cent of all Gypsies living in the Czech Republic had received Czech citizenship.

85. The Special Rapporteur has learned from other sources of acts of violence perpetrated against the Roma in Romania (lynching of Roma on 21 September 1993 in the town of Hadareni), Bulgaria (cases of torture, maltreatment and aggression in the towns of Dubovo, Stara Zagora, Olushnik and Pazardjik), and Germany (two refugees of Roma origin died on 28 September 1994 after an incident of arson in the town of Herford). 37/

B. Racism and racial discrimination against Blacks, negrophobia

86. This aspect of the question will be taken up in the report of the Special Rapporteur's mission to the United States of America. In the present report, therefore, he would like to report incidents that have occurred in other regions of the world.

87. In Germany, the racist propaganda of the extreme right is particularly negrophobic. 38/

88. Attempts on the lives of Blacks and violence against them are more significant. For example, the Embassy of Nigeria at Bonn had to protest to the German authorities against the maltreatment of Nigerian asylum-seekers by the German authorities. Most Nigerian asylum-seekers are turned down, since they are not able to prove that they are politically persecuted in their country of origin. According to the German Ministry of Foreign Affairs, Nigeria does not cooperate and refuses to take rejected Nigerian asylum-seekers back. It seems that, within a period of three years, 24 Nigerian asylum-seekers in Germany have died as a result of maltreatment by the German authorities. In August 1994, a rejected Nigerian asylum-seeker who was sent back to Nigeria by plane, died as a result of a sedative injection. According to the letter from the Embassy, some of the Nigerian victims died during their stay in a police cell.

89. The German Ministry of Home Affairs has sent the letter written by the Nigerian Embassy to the seven Federal states where the Nigerian asylum-seekers died. The governments of those states are requested to open an inquiry as soon as possible into the real causes of the deaths of the 24 Nigerian asylum-seekers and into the case of Amadeu Antonio Kirova, who was kicked to death while three policemen allegedly failed to come to his rescue.

90. In the United Kingdom, cases of violence against Blacks have been reported, including a case of a young victim of arson in London just because he was dating a white girl. A tenth of his body was burnt.

91. In France, as indicated above, there have also been reports of assaults against young Blacks by the police who, under the French immigration law of December 1993, are authorized to carry out identity checks. The case of a young Angolan, 23 years of age, who, after being interrogated by the police, jumped into the Seine, is well known.

C. Racism and racial discrimination against Arabs

92. Persons of Arab origin, often assumed to be terrorists or Muslim fundamentalists, experience discrimination in Europe, particularly in respect of the issue of visas and residence permits. They are also victims of acts of violence on the part of individuals or the police.

93. In France, the Commission nationale consultative des droits de l'homme notes that North Africans are always a preferred target: in France, it observes in its annual report for 1992, "anti-Arab racism greatly exceeds all other forms of discrimination". Since 1980, acts targeting this community have consisted of: acts of violence - 505; killed - 23; and wounded - 232. 39/

94. The racist threat which tends to target North Africans in particular often takes the form of tracts, mostly of an inflammatory nature. The first example of this type, known as the "false tract of the Amicale des Algériens en Europe" dates from 1966. It periodically resurfaces in France. Once produced, these tracts, which often have a concluding note that states "to be widely reproduced and circulated", are photocopied and redistributed on the "chain" principle. This process makes it particularly difficult to identify either the originators or the successive distributors.

95. Police brutality is also directed at persons of Arab origin. The three cases which follow have been reported by Amnesty International.

96. Jacques Cherigui, of French and Algerian parents, was arrested in his home in Argenteuil without a warrant and for no apparent reason. He emerged from custody 19 hours after his arrest, covered with cuts and bruises and with his right hand permanently damaged. He made two formal complaints about his treatment, backed by medical reports, but they were not investigated by the court. According to Jacques Cherigui, the police demanded entry to his flat without explaining what they wanted, seized and handcuffed him and threw him down four flights of stairs. In the police van, a police officer sat on his neck, forcing him to bend over double and making it nearly impossible for him to breathe. The officer allegedly told his colleagues: "This trick calms them down very quickly, these wogs." Jacques Cherigui was punched in the stomach and repeatedly insulted. In the police station, he said, he was called a "filthy wog", and told: "You ought to go back to your own country." He was released after being charged with resisting arrest and insulting the police. He sought medical treatment for injuries which included cuts and bruises to his arms,

legs, trunk and neck. Doctors also recorded permanent nerve damage to his right hand, apparently caused by tight handcuffs. 40/

97. Aïssa Ihich, an 18-year-old French citizen of Moroccan immigrant parentage, died of an asthma attack in a suburban police station near Paris in May 1991. The police had refused to allow him the medication he needed to relieve his asthma. When he collapsed with the fatal asthma attack after 36 hours in custody, the ventilator he carried at all times was empty. Aïssa Ihich had been arrested and reportedly beaten with truncheons during disturbances at Mantes-la-Jolle, a suburb west of Paris. After his death, an autopsy recorded "minor injuries", caused by blows to the head and pelvis. In February 1992 the police doctor who had examined him and certified that he was medically fit to remain in detention was charged with involuntary homicide. No action has been taken against the police officers who reportedly assaulted Aïssa Ihich. They have yet to be identified. The judicial inquiry into the case has said it cannot establish which police unit arrested the youth. 41/

98. In Italy, prisoners of Arab origin are subjected to discriminatory treatment. In May 1991, the director of an Italian prison replied to press queries about reports that prisoners were systematically ill-treated by saying that "40 per cent of the prisoners are Moroccan, Algerian and Tunisian, people with different cultural habits, often rebellious and violent". The press had been alerted to the situation at Sollicciano prison, near Florence, after inmates wrote to local and national newspapers alleging they were regularly threatened, beaten and injured by prison guards. About half of the 600 prisoners are immigrants from countries outside the European Community. On 18 December 1991, following an internal inquiry, the Prosecutor General declared there was no evidence of criminal responsibility and formally closed the case. Three days later, the national daily La Repubblica published a letter from women prisoners in Sollicciano, claiming that both they and male inmates were regularly beaten for no reason by prison guards. 42/

D. Anti-Semitism

99. The communication from the International Council of Jewish Women and the studies done by both the coordinating committee for Jewish organizations of the World Jewish Congress and its Institute of Jewish Affairs, 43/ and by Israeli university research centres, 44/ indicate that there has been a resurgence of anti-Semitism in the past few years, particularly in North Africa, Eastern Europe, the former Soviet Union, Western Europe, the United States of America, Canada, Japan, Australia, Latin America, the Middle East and Turkey. The International Council of Jewish Women states that:

> "Manifestations of modern-day anti-Semitism vary greatly from one region to another. The same is true for their degree of violence. Different types of anti-Semitic incidents are reported in many countries: anonymous telephone calls, radio and television programmes, anonymous letters, tracts, graffiti, newspaper articles, magazines, speeches, books, desecrations of cemeteries and synagogues, writing on the walls of Jewish schools, attacks against the property of Jews, criminal attacks against Jewish organizations (Buenos Aires, 18 July 1994; London, 26-27 July 1994).

Recently, attacks have been perpetrated against individual Jews. New methods are also being used to disseminate anti-Semitic propaganda: video games, computer programmes. In France, Minitel has lately been used to disseminate anti-Jewish messages. For some time now in Western Europe, anti-Semitism, like racism, has occasionally been part of the electoral platform of certain political parties of the right and extreme right and acts as a rallying cry among people who recognize each other. In this case, the language used is coded in order to bypass the anti-racist legislation adopted by many countries. This anti-racist legislation of European countries, although not very effective, does at least exist. Nevertheless, the most radical anti-Semites find ways of bypassing it. 45/ The post-communist societies of Eastern Europe are also experiencing a resurgence of anti-Semitism. In Russia, glasnost had already allowed the free expression of hatred against the Jews. The anti-Semitic movement Pamyat (Memory), the best known, is only one anti-Semitic organization among others. The anti-Semitism which is prevalent today is a popular anti-Semitism encouraged by the fundamentalism of the Orthodox Church. A more elitist anti-Semitism, found in literature, parallels the "street anti-Semitism". It is with anxiety, if not terror, that one listens to and reads what is said and written by the politician Zhirinovsky, who owes his popularity largely to his anti-Semitic utterances to which the international media accord enormous attention."

100. The Special Rapporteur's attention has also been drawn by the International Council of Jewish Women to the growth of anti-Semitism in the Arab and Muslim countries, where the notorious sham entitled the "Protocols of the Elders of Zion" is being spread by Islamic fundamentalist circles to a broad audience.

"The 'Protocols of the Elders of Zion' are a great success, both in Eastern Europe and in Russia, where this travesty originated, and in South America, Japan and even Australia, where the work has recently been reissued.

"Another form of anti-Semitism is not aimed at the 'public at large' but at intellectuals: denial. Those who engage in denial describe themselves as 'revisionists', but in reality they are falsifying the history of the Nazi period. They attack Jewish history and memory, most often with impunity, and deny the historic facts of the extermination of 6 million Jews during the Second World War. Some countries, particularly in Europe (France, Germany and Belgium, for example), have devised very specific legislation to curb this phenomenon. Others rely on anti-racist laws (against incitement to ethnic and religious hatred, etc.) which are in fact inadequate to contain it.

"In the United States of America, the interpretation of the First Amendment to the Constitution allows the dissemination of all types of ideas, even those which are anti-democratic. In view of this, some thought should be given to the acceptable limits of freedom of expression in the light of the concept set forth in article 20 of the International Covenant on Civil and Political Rights, which prohibits advocacy of racial hatred. 46/ In this country, anti-Semitism is overtaking even university campuses. Recently, speakers from the 'Nation of Islam', university

professors at times and even African-American political leaders give anti-Semitic speeches with alarming success. (See the incidents at Howard University and Kean College.)"

101. The information received from the Israeli Government confirms the facts brought to the Special Rapporteur's attention by the International Council of Jewish Women and other sources.

E. Xenophobia and discrimination against migrant workers and immigrants

102. In general, the current wave of xenophobia and racism in Europe is hardest on migrant workers and immigrants, who experience racial discrimination particularly in the area of employment.

103. Empirical studies carried out by the International Labour Office demonstrate the prevalence of racial discrimination against immigrants with respect to employment and training opportunities, as well as of mobility and promotion which they encounter in several European countries, including France, Germany, the Netherlands, Switzerland and the United Kingdom. 47/

104. Although prohibited by national laws, direct and indirect discrimination against migrant workers prevents equal access to employment vis-à-vis nationals.

"Migrant workers are concentrated at the lowest end of the labour market. They have limited access to on-the-job training, and they are unlikely to be promoted to positions of responsibility. The unemployment rate among migrant workers is also higher: twice that of nationals, and even greater for young people and for women. Other people's prejudices or the company's economic interests are readily cited as pretexts for the discriminatory exclusion of migrant workers. The fact that everybody blames everybody else makes discrimination not only omnipresent but also extremely hard to combat. Second-generation migrant workers are said to have a low level of educational achievement. These workers have a high scholastic drop-out rate and are unlikely to gain admittance to apprenticeship programmes. In the business world, they work in a hostile environment in which they are considered inferior and are made to do thankless jobs. With economic recession, discrimination against these workers has worsened. They run a higher-than-average risk of losing their jobs, and once they do, their chances of finding new ones are slim."

105. Mexico is very concerned about the brutal treatment given by border police to Mexican nationals entering the United States of America, particularly along its southern borders, and about the tremendous difficulties which they encounter in the area of employment.

F. Racial discrimination against women

106. The Special Rapporteur received the following information regarding the harassment of Korean girls in Japan

107. For Korean schoolgirls studying in Japan, the chima chogori - the traditional Korean skirt and blouse - has become something of a curse. For the last three months, girls dressed in chima chogori have been subjected to harassment and assault. Their dresses have been slashed off, and they have been verbally and physically abused on trains and in the streets. The assailants are Japanese men. At the Tokyo Korean Junior and Senior High School, 29 girls have become victims of this kind of violence over the last three months. A school spokesperson said that 11 girls had had their uniforms ripped off, and that 8 others had been kicked and beaten. More recently, a 17-year-old student's beautiful, long hair was cut off on an escalator at Tatsumi station. She froze in fear when the incident occurred. Just a week after this incident, the same girl was knocked over by a young Japanese man who then cut up her skirt and ran away. This is not the first time that such "Korean bashing" has become rampant in Japan. 48/

108. In Kuwait, housekeepers of Indian, Sri Lankan, Bengali and Philippine origin are now targets of rape, physical assault, non-payment of salaries, debt bondage and abusive work conditions because of their nationality. Although these abuses are illegal under Kuwaiti law, very few cases are prosecuted. The Government of Kuwait has all but ignored the plight of these women. 49/

109. In interviews with witnesses in the course of his mission, the Special Rapporteur was told of the double discrimination that affects women who belong to ethnic minorities, especially with respect to employment, health care and social aid.

110. In Mexico, the number of incidents of rape of indigenous women is increasing in the insurrection zone of Chiapas. On 4 June, a group of approximately 30 soldiers of the Mexican Federal Army raped three young women of the Tseltal indigenous group who were from the community of Santa Rosita Sibaquil, Municipality of Altamirano. The rape took place at a military roadblock outside Altamirano, where the soldiers were on duty. After being accused of being Zapatistas and threatened with death, they were violently forced to have sexual relations with all of the soldiers at the roadblock.

IV. CAUSES AND VECTORS OF RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

111. As emphasized in the first part of this report, racism is a phenomenon of civilization that goes back to the dawn of time. It is a persistent sentiment that finds periodic expression.

112. Today, despite two decades of sustained combat against racial discrimination by the United Nations, racism is re-emerging from the fertile ground of race, a notion scientifically proved to be meaningless, in the forms described above.

113. Today, the causes of racism and racial discrimination are the world economic crisis and competition for economic resources, which is fed by underdevelopment in some cases and poverty or extreme poverty in others. Development has become the watchword, and States feel compelled to proceed with

regional or continental integration in order to promote it. Because the market is narrowing, unemployment is troubling the North and the South to varying degrees. From the brain drain the world has moved rapidly to labour flight; the South is offering up its workers. With the onset of recession, the increasingly impoverished South has found no solution other than emigration, and racism and discrimination have once again broken out.

114. Economic difficulties have reawakened and exacerbated nationalism at the national and regional levels. A scapegoat syndrome has developed; foreigners are being blamed for unemployment because they are seen as a burden on the national economy. Extreme right-wing nationalist and neo-Nazi movements are re-emerging, preaching ethnic purity or national identity and preference for nationals in the face of the "barbarian" invaders. Intolerance and xenophobia have become systematic and are reflected in violence.

115. The trend is one of a turning inward and a refusal to share. Within nations, wealthy communities and social strata mean to preserve their comfort. Among nations, a form of economic isolationism is reappearing; some argue that aid to the countries of the South should be limited, if not eliminated outright.

116. In imparting culture and forming minds, educational systems also transmit racist, xenophobic and anti-Semitic ideologies. These ideologies provide the basis and structure of extreme right-wing and neo-Nazi movements and political parties.

117. In the name of freedom of the press and expression, the major communications media - radio, television, the press and various publications - also serve as vectors of racism, racial discrimination, xenophobia and anti-Semitism. Images have such great impact that scenes of violence, even if accompanied by critical commentary, can incite imitation in segments of the population that are idle, unemployed and see little hope for the future.

V. MEASURES TAKEN BY GOVERNMENTS AND ACTION UNDERTAKEN BY CIVIL SOCIETY

118. In analysing the various manifestations of racism, racial discrimination and xenophobia, one must look at the reactions of the people in the countries concerned and the reactions and actions of their Governments.

119. Although some countries claim not to experience racism, others, such as Germany, France, the United States of America and Norway, have the courage to acknowledge racism and its contemporary expressions as a real problem. According to the French Commission nationale consultative des droits de l'homme, 9 out of 10 French people consistently agree that racism is widespread in France. Yet, of the threats facing today's world, racism is ranked only fifth by the French, after world hunger, AIDS, pollution and human rights abuses. However, it is noteworthy that in France, as in Germany, broad segments of the population have mobilized to combat racism through such means as marches, public demonstrations and candlelight vigils. Non-governmental organizations are also active: in France, the Movement against Racism and for Friendship among Peoples and SOS-Racisme; internationally, the World Council of Churches. And the

electoral defeats inflicted on extreme right-wing parties, as in the case of the latest German elections, are a response to racial discrimination.

120. Furthermore, many non-governmental organizations and university institutions are preparing to study the situation of foreigners in general and of immigrant workers in particular and the manifestations of xenophobia in Europe to ensure that concerted measures are taken to combat racism and racial discrimination by promoting tolerance and understanding among the different communities in Europe. One example is the European Capitals Universities Network, which has formed a working group at the University of Stockholm to consider "Universities against racism and xenophobia".

121. Most Governments have taken steps to prevent and combat the phenomena analysed in this report. There are constitutional provisions, laws and regulations in this area.

122. On 25 September 1994, Switzerland adopted by referendum an anti-racist law prohibiting all manifestations of racism, all revisionism and denial of the Holocaust, and all crimes against humanity. In December 1992, Germany outlawed several "neo-Nazi rock" songs and groups encouraging racism, genocide and violence against foreigners. It also prohibited political movements and parties with racist ideologies that preach xenophobia and engage in violence (for example, violent attacks on foreigners or the use of incendiary bombs). Educational programmes that teach tolerance and fight racism and racial discrimination in the schools and among the general population are being instituted. Norway offers an outstanding example of this.

123. At the regional level, in October 1993 in Vienna, the Heads of State and Government of the States members of the Council of Europe adopted a plan of action to combat racism, xenophobia, anti-Semitism and intolerance.

VI. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

124. The Special Rapporteur wishes to thank the Governments and non-governmental organizations mentioned above, as well as the International Labour Organization, also mentioned, for their active cooperation and the wealth of excellent information supplied to him, which has been confirmed by material collected from the press and specialized periodicals.

125. These different sources show racism and racial discrimination to be persistent phenomena periodically manifested in the form of xenophobia, negrophobia, anti-Semitism and anti-Arab sentiment. The result of often latent racism, these manifestations are triggered and sustained by the rebirth or recrudescence of extreme right-wing nationalist, neo-fascist ideologies. They are caused by the economic crisis shaking the industrialized societies, which are stricken by recession and unemployment, and by the crisis in European cultural values, a model of civilization that sought to impose itself on the contemporary world. The result is fear and distrust of the outsider - the Other - who often comes from the South and is an easy scapegoat because he wants

to share in the development or comfort enjoyed by others - the people of the North - whether within a single State or at the international level. These expressions of rejection or refusal of foreigners, or the Other, which take the form of intolerance or violence, are also found in the newly industrialized or in developing countries in Africa, Asia and Latin America.

126. Looking at the anti-immigration legislation systematically being adopted in several countries, one cannot help but wonder whether we are witnessing a covert institutionalization of xenophobia, which would be nothing less than a new form of institutionalized racial discrimination.

127. The Special Rapporteur is pleased and encouraged to note that countries experiencing racism, racial discrimination, including racial discrimination against migrant workers and against women, whether as women or as members of an ethnic minority, xenophobia, negrophobia, anti-Semitism, anti-Arab movements and actions are taking legislative and administrative steps to control, arrest and eliminate these manifestations and the incidents that accompany them.

128. The Special Rapporteur is concerned at the Draconian measures being systematically taken by certain Governments to limit immigration and the reunification of families, at the hunting down of "clandestine" or "illegal" immigrants and at the refoulement of migrants and asylum-seekers held in detention camps pending forced repatriation by chartered aircraft. He fears that the humanist and democratic ideals of the countries concerned, may, for reasons of comfort or survival, be completely trampled and that hatred, violence and barbarism, even in the name of the law and respect for State sovereignty, may sweep the world into a large-scale conflagration based on ethnic or racial identity.

129. The Special Rapporteur welcomes the reactions and the mobilization of civil society against the manifestations and incidents of racism, discrimination and xenophobia, and applauds the efforts of non-governmental organizations to promote human rights and understanding among individuals, communities and States.

B. Recommendations

1. Resources

130. In its resolution 1994/64, the Commission on Human Rights regretted that the Special Rapporteur had encountered difficulties in preparing his first report, owing to the lack of necessary resources, and requested the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate.

131. As he stated in his first report (E/CN.4/1994/66, para. 46), in order to carry his important and broad mandate through to a successful conclusion the Special Rapporteur needs assistance in the form of staff and resources, as stressed in the resolution. The Special Rapporteur considers that he would require the following resources at the United Nations Office at Geneva: a person at the Professional level who is a specialist or at least familiar with

and interested in human rights problems and having experience of them, also bilingual, with excellent French and good English; as well as a bilingual secretary. These requirements, and the resources needed to carry out his missions in the field, were very clearly indicated in the financial implications prepared for the programme budget when the Commission adopted the above-mentioned resolution and when it was subsequently approved by the Economic and Social Council.

132. The secretariat assisting the Special Rapporteur in implementing resolution 1993/20 will have to discharge the following duties: centralization of data and analysis thereof; study of communications; regular contacts with the permanent missions, the specialized agencies, non-governmental organizations, individuals and all other sources of information, and preparation of seminars and missions.

133. At the time of drafting this interim report, working conditions are clearly quite inadequate and highly precarious. No amount of good will on the part of the programme manager can offset the lack of human and financial resources; without at least a permanent secretary and some support staff, it is impossible to manage the general programme for the Decade and three thematic mandates. The Special Rapporteur has had to devote virtually all his time to his mandate, at the risk of neglecting his public and academic duties.

134. These matters, which in fact generally affect all special rapporteurs, were among those examined at the meeting of special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme which was held at Geneva from 30 May to 1 June 1994:

> "... It was noted that the number of such procedures, which was 4 in 1980, 13 in 1990 and now stands at 26, has not been followed by a commensurate increase in human and other resources. Moreover, the workload within such mandates has also been growing rapidly ... Consequently, participants were unanimous in their view that the human and material resources available to them for the fulfilment of their mandates are wholly inadequate owing to the simple paucity of budgetary allocations to the Centre for Human Rights in general and in particular for their specific mandates. In the light of chronic under-funding, participants voiced their concern that the integrity of the procedures could be in jeopardy with negative consequences for the system as a whole and especially for individual victims." (E/CN.4/1995/5, para. 22)

135. There have been commitments to improving and strengthening all aspects of the rapporteurs' work, but these promises have so far failed to yield concrete results.

136. The Special Rapporteur would like to insist that substantial human and financial resources be made available for a mandate which has aroused much interest and high hopes, failing which the fulfilment of the mandate seems very much in jeopardy. He would therefore like to suggest that consideration be given to (a) a scheme of the associate expert type and (b) the establishment of a funds-in-trust arrangement as part of the Trust Fund for the Programme for the Decade, but with voluntary contributions earmarked specially for the mandate on

racism, racial discrimination, all forms of discrimination against Blacks, Arabs and Muslims, and all forms of xenophobia, negrophobia and anti-Semitism.

137. Aware as he is of the importance and the implications, indeed the challenge, of the new mandate entrusted to him, the Special Rapporteur hopes, for the success of his mission, to be able to count on active cooperation from the Centre for Human Rights and from Governments, specialized agencies, non-governmental organizations and regional intergovernmental organizations.

138. Given the persistent difficulties in obtaining staff assistance and the time constraints - the decision regarding the submission of the interim report to the General Assembly having been taken at the beginning of November - the Special Rapporteur has been unable to prepare the report of his mission to the United States of America, as he has to process a voluminous body of documentation containing a wealth of information, as well as notes from talks and meetings with the United States authorities and many non-governmental organizations which are displaying a marked interest in the new mandate.

2. General recommendations

139. The Special Rapporteur considers that the positive steps taken prove that there is no foregone conclusion when it comes to human rights issues, that there are grounds for hope, and that action must be taken while there is still time.

140. The Special Rapporteur again suggests that scientific research should be done on the nature and scope of the problems covered by his mandate, particularly through such projects as:

(a) The interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of contemporary forms of racial discrimination, together with a study of the measures already taken or to be taken;

(b) Workshops (one per continent) during the next two years of his mandate;

(c) A review conference before the expiration of his mandate.

These scientific encounters will be organized in close collaboration with the specialized agencies concerned with human rights, the non-governmental organizations and the universities or networks of universities and experts working in the field.

141. He hopes that appropriate funding can be effectively mobilized for the implementation of this programme. He invites States and non-governmental organizations that have not yet done so to reply to the questionnaire and provide him with all available information on contemporary forms of racism and racial discrimination and related incidents.

142. Convinced of the importance of education and its far-reaching consequences, the Special Rapporteur suggests that measures should be studied to prevent

actions and behaviour giving rise to discrimination - prevention being better than cure - and that a system of human rights teaching should be established in all States, in close cooperation with specialized agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), intergovernmental organizations such as the European Union, and Governments. Consideration will be given to how this system can be made compulsory and effective. In this way, cultural and social racism could be gradually checked through education.

143. A group of social scientists and especially experts in the field of education could be given the delicate but not impossible task of looking into ways of ridding school textbooks and history books of racial, ethnic or religious prejudice and stereotypes. Cultural events could also be held which would enable a country's different ethnic or cultural groups to become acquainted with each other and learn about, understand and appreciate each other's cultures. This would foster cultural intermingling and genuine cultural pluralism on the basis of personal experience. Today, in this "small world" or "global village" of ours, the powerful impact of the media would lead ethnic, religious and cultural communities to understand each other's cultures better and accept each other to a greater extent. In this way, greater tolerance will gradually develop between ethnic groups, migrants, immigrant workers and their families and autochthonous or indigenous peoples. In short, the Special Rapporteur attaches great importance to the prevention of manifestations of racism in any form whatsoever, through governmental, legislative, administrative, economic and social and, above all, educational measures.

144. With regard to anti-Semitic propaganda, given the wide circulation of anti-Semitic publications and the danger they represent, the Special Rapporteur recommends that appropriate legislative and administrative measures should be taken by the States concerned and, where appropriate, at the international level to halt the dissemination of such publications, in particular the "Protocols of the Elders of Zion".

145. In view of the number of existing special procedures, such as those concerning forced or involuntary disappearances, torture, religious intolerance, etc., the Special Rapporteur, speaking from experience, is convinced of the need to introduce a mechanism for periodic consultation and coordination between special rapporteurs dealing with subjects of a similar nature. Special consideration should also be given to a mechanism conducive to active, efficient intersectoral cooperation between the various branches and sectors of the Centre for Human Rights.

146. Systematic cooperation, in the form of periodic consultations and joint activities, should likewise be established with the specialized agencies such as the United Nations Children's Fund (UNICEF) (see the Convention on the Rights of the Child), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Office, UNESCO and the Commission on Human Rights.

147. The Special Rapporteur would suggest again that some thought might be given, at the conclusion of the Third Decade to Combat Racism and Racial Discrimination, to erecting a memorial in honour of the victims of racism and

racial discrimination in order to promote an awareness of the evils of racial discrimination and to draw attention to the continuing and sustained action of the United Nations to combat all forms of racism and to promote human rights. Such a memorial might be set up on the Place des Nations. If this idea were to find favour, the monument would be financed by voluntary contributions. There is no lack of people of good will, humanists or benefactors in the world who might take an interest in this project.

148. Lastly, the Special Rapporteur welcomes the ratification by the United States of America of the International Covenant on Civil and Political Rights and hopes that it will also ratify the other conventions currently being considered by its competent authorities, particularly the International Covenant on Economic, Social and Cultural Rights. He urges States that have not yet done so to ratify all international human rights instruments. He requests States that are already parties to these instruments to take the necessary legislative and administrative measures to ensure that they are effectively implemented and applied in everyday life.

Notes

1/ Le racisme devant la science, Paris, UNESCO, 1973.

2/ Racial Discrimination, study by Hernán Santa Cruz, revised and updated version, 1976 (United Nations publication, Sales No. E.76.XIV.2).

3/ Pierre-André Taguieff, "L'évolution contemporaine de l'idéologie raciste: de l'inégalité biologique à l'absolutisation de la différence culturelle" in Rapport de la Commission nationale consultative des droits de l'homme, Paris, 1989, p. 357.

4/ Who in his "Essai sur l'inégalité des races humaines" sought to affirm the superiority of the "white race" over other races and the superiority of Aryans over all other Whites.

5/ As noted by I. Hrbeck, a Czech professor and assistant editor of volume 3 of the General History of Africa (UNESCO)/Jeune Afrique, Paris, 1985), "it is significant that in all the Western European languages the word for 'slave' (Sklave, esclave, esclavo, escravo, etc.) is derived from the ethnonym 'Slav', the name which the various Slavonic peoples used for themselves. This points to the fact that, during the formative period of the European national languages, which coincides precisely with the period under discussion, Slav prisoners of war must have formed the bulk of the slave population in Western Europe."

6/ "Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination", report prepared by Asbjørn Eide, Special Rapporteur (A/45/525).

7/ Hernán Santa Cruz, op. cit., para. 2.

8/ Arnold M. Rose, The Roots of Prejudice, UNESCO, Paris, 1951; UNESCO, "Statement on Race and Racial Prejudice", Paris, 1967 and 1978).

9/ See Pierre-André Taguieff, op. cit., p. 362. According to the author, neo-racism no longer presupposes dogmatism and plain inequality in the relations between the races but corresponds to "racist theorizing based on the postulate of the irreducibility, incompatibility or incommunicability or total separation of cultures, mental structures, morals or community traditions". See also the report of the Secretary-General on measures to combat racism and racial discrimination and the role of the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1992/11).

10/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.94.XIV.1 (Vol. I, Part 2)).

11/ See Charles Murray and Richard J. Herrnstein, The Bell Curve, New York, Free Press, 1994.

12/ Blacks rightly question why Western culture describes everything that is negative as "black": "black humour", "black economy", "black market", "to be in a black mood", the French expression "être le nègre de quelqu'un" [to describe the act of ghost-writing]; they jokingly say that they "work like a nigger", unconsciously, perhaps, evoking the inhuman working conditions of black slaves.

13/ Amadou Mhatar M'Bow, in the preface to Histoire générale de l'Afrique, vol. I, Méthodologie et préhistoire africaine, Paris, UNESCO/Jeune Afrique, 1980.

14/ See the scientific work done by UNESCO and the scholarly publications of that organization; such as the General History of Africa in eight volumes and works in progress on Islamic culture, the history of Asian, Latin American and Caribbean civilizations, and Slavic cultures.

15/ In its issue of Tuesday, 9 November 1994, the daily newspaper Le Monde printed the front-page headline "La malédiction du continent noir" ["Curse of the Dark Continent"] to emphasize the Africans' inability to progress.

16/ Nathan Ackerman and Marie Jahoda, Anti-Semitism and Emotional Disorder, New York, Harper, 1950.

17/ Communication dated 12 October 1992 from the International Council of Jewish Women.

18/ This was done by Benin, Bolivia, China, Iraq, Jordan, Kuwait, Mexico, Myanmar, Pakistan, Panama, Qatar, Saudi Arabia, Tunisia, Ukraine, Yemen and Zambia.

19/ See Commission on Human Rights resolutions 1993/20 and 1994/64 and Economic and Social Council decision 1993/258.

20/ European Capitals Universities Network, "Universities against racism and xenophobia": Report on a Workshop on Racism and Xenophobia in Europe, University of Stockholm, 18-19 April 1994.

21/ Dialogue, August 1994.

22/ On 22 March 1994, Mr. Paul Bouchet, President of the Commission nationale consultative des droits de l'homme condemned the polarization of French immigration policy, claiming that the legislation advocated by the Government accentuated "institutionalized xenophobia". See Europees Steunpunt Migranten en Vluchtelingen, List of Events, Utrecht, March 1994.

23/ Communication dated 30 August 1994 from the Iranian Government.

24/ Movement against Racism and for Friendship among Peoples, Différences, No. 154, July 1994.

25/ Communication dated 9 September 1994 from the Kingdom of Denmark.

26/ Amnesty International Newsletter, vol. XXIII, No. 2, (February 1993).

27/ Ibid.

28/ Communication dated 4 June 1994 from the German Government.

29/ Europees Steunpunt Migranten en Vluchtelingen, List of Events, October 1994.

30/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18).

31/ Europees Steunpunt Migranten en Vluchtelingen, List of Events, September 1994.

32/ Europees Steunpunt Migranten en Vluchtelingen, op. cit., October 1994, p. 6.

33/ See Commission nationale consultative des droits de l'homme, La lutte contre le racisme et la xénophobie, 1992 annual report.

34/ Amnesty International Newsletter, vol. XXIII, No. 2 (February 1993).

35/ European Capitals Universities Network Report on a Workshop on Racism and Xenophobia in Europe, University of Stockholm, 18-19 April 1984.

36/ Communication dated 25 July 1994 from the Irish Government.

37/ Romnews, No. 18, 5 October 1994.

38/ On 3 October 1994 Günter Deckert, leader of the extreme right-wing National Democratic Party (NDP) said that "The Blacks are welcome in Africa, the Turks in Turkey and the Jews in Israel." Quoted in Europees Steunpunt Migranten en Vluchtelingen, List of Events, October 1994.

39/ Commission nationale consultative des droits de l'homme, 1992 annual report.

40/ Amnesty International Newsletter, vol. XXIII, No. 2 (February 1993).

41/ Ibid.

42/ Ibid.

43/ Communication dated 12 October 1994 from the International Council of Jewish Women; Institute of Jewish Affairs, Anti-Semitism: World Report 1993 (London).

44/ Communication dated 6 October 1994 from the Israeli Government.

45/ For example in Spain, where the publishing houses of an extreme right-wing party export anti-Semitic literature to Latin America and elsewhere.

46/ See on this subject the study by L. Joinet and D. Türk on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11).

47/ See Royer Zegers de Beijl, Discrimination à l'égard des travailleurs migrants, Geneva, 1991.

48/ Communication dated 3 November 1994 from the International Women's Rights Action Watch.

49/ Middle East Watch Women's Rights Project, Punishing the Victim: Rape and Mistreatment of Asian Maids in Kuwait.

Appendix

QUESTIONNAIRE RELATING TO THE MANDATE, ADDRESSED TO STATES, INTERGOVERNMENTAL ORGANIZATIONS, SPECIALIZED AGENCIES AND NON-GOVERNMENTAL ORGANIZATIONS

1. Is your country experiencing or has it experienced a syndrome of contemporary forms of racial discrimination or of discrimination against ethnic, religious or cultural minorities?

2. Is your country experiencing or has it experienced serious incidents involving manifestations of racial discrimination? In what form(s)?

3. What provisions concerning human rights and means of protecting them does your country's Constitution or Fundamental Law embody?

4. Do you have problems relating to:

- ethnic minorities
- religious minorities
- cultural minorities

and/or indigenous populations or populations of mixed descent?

5. What measures have been taken at the socio-economic and political level to assure access to education, employment and the civil service structure to communities of different geographical and cultural origins?

6. What is the situation of migrants and immigrant workers and their families, particularly from the legislative and administrative viewpoint?

(a) How many immigrant workers are there in your country? What are their religions or beliefs and their cultural practices?

(b) Relations with the national population:

- Have there been any surveys?
- Have there been any studies and/or publications on the question of migrants and immigrant workers and their families, either by the Government or scholarly institutions, national institutions or non-governmental human rights organizations?

(c) What is the role of the media vis-à-vis the problem of immigrants, refugees and manifestations of xenophobia or intolerance?

7. Is there an official service to take up and handle incidents involving racial discrimination, xenophobia, intolerance and violence? What resources does it have to hand? How does it act? What results have been achieved?

8. Can you provide statistical data and, if possible, instances of case-law in this regard?

9. What measures are under consideration or have been taken by your Government to bring these phenomena under control:

- administrative and/or legal measures?

- economic and social measures?

- cultural measures: is education open and accessible to everyone? Are the cultures of minorities and immigrant workers taught and included in a national curriculum at school and university level, by means of activities and theatre productions, festivals and the like in order to make for a better cultural mutual understanding?

10. What measures are under consideration or have been taken by your Government to prevent demonstrations of xenophobia, intolerance and violence and the exclusion of foreigners or minority or vulnerable groups?

11. Are there political movements, groups or parties that advocate a racist or xenophobic ideology, preach national preference or incite to ethnic or religious cleansing? Conversely, do groups exist which promote and encourage in their programme a policy of welcome and of integration with cultural pluralism and respect for the dignity of others?

12. What measures and actions do you envisage in order to prevent and put an end to the new forms of racial discrimination, xenophobia, violence and intolerance?

13. What do you think of the new mandate and how do you anticipate contributing to its satisfactory implementation?

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General Assembly
Security Council

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S/1994/1314
18 November 1994

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 99
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

SECURITY COUNCIL
Forty-ninth year

Letter dated 18 November 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 17 October 1994, addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 99, and of the Security Council.

(Signed) İnal BATU
Ambassador
Permanent Representative

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Annex

Letter dated 17 October 1994 from the representative of the Turkish Republic of Northern Cyprus addressed to the Secretary-General

I have the honour to respond to the speech made by the Greek Cypriot representative at the meeting of the Third Committee held on 10 November 1994, under agenda item 99 entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" as well as "the right of reply" that Mr. Shambos used, apparently in defence of his and his administration's title.

It must be said that the Greek Cypriot administration has a lot to be defensive about regarding its title as the so-called "Government of Cyprus", since this is really a usurped title acquired by armed force and political deception way back in 1963, when the conditions of the cold war permitted the Greek Cypriots to get away with such political robbery. The fact that the world has since tolerated the status quo in Cyprus, that is, the continued occupation of the seat of government by the Greek Cypriot usurper regime, does not make its claim to be the Government of the whole of the island any more legal, moral or legitimate, since the Turkish Cypriot people, an equal party in the bi-national body politic of Cyprus since 1960, has never given its consent to such claim.

However, the political cost of maintaining the status quo in Cyprus, by treating the Greek Cypriot side as if it were the Government of the whole island, has unfortunately been the perpetuation of the Cyprus conflict. It has aborted all efforts to find a just and viable solution and provided the other side with an arbitrary and unfair advantage on a global platform, which it has used as a launching pad for vicious political attacks and an expansive disinformation campaign against its former partner, the Turkish Cypriots, dividing the island even further. Mr. Shambos' interventions on the above occasion are yet another manifestation of this ill-conceived campaign, which continues unabated.

I will not go into detail in refuting the substance of the Greek Cypriot representative's original speech, since such baseless rhetoric has been repeatedly refuted on similar occasions before, notably in my letter addressed to Your Excellency dated 29 November 1993 (A/C.3/48/23 dated 1 December 1993). Suffice it to recall that, in that letter, irrefutable evidence is presented as to who invaded and occupied Cyprus between 1963 and 1974, creating 30,000 Turkish Cypriot refugees, untold devastation and suffering to the Turkish Cypriots and causing the present division.

I would, however, like to dwell on a recent new dimension of the Greek Cypriot side's habitual inclination to distort the truth, which the Greek Cypriot representative has again practised in his "right of reply", a right which I, as his counterpart, can only exercise in writing, owing to the usurpation and continued occupation of the seat of Cyprus at the United Nations by the Greek Cypriot side.

In a desperate attempt to justify its illegal monopolization of the title of "the Government of Cyprus", the Greek Cypriot side has been spreading the baseless propaganda that what happened in 1963 was that the Turkish Cypriots rebelled against the Government and withdrew from it "under instructions from Ankara" as part of its "partitionist plans".

The clearest evidence against such absurdity can be found in the international news media of the time, as well as in the relevant reports of the Secretary-General. One example from each should suffice to illustrate the point:

> "The Greek Cypriots claim that many of the Turks had been driven, under the threat of their own leaders, to form large enclaves which are intended to pave the way for a separate and federal state. It is difficult to find evidence in support of this allegation. Their motive seems to be more to protect themselves against sudden attack than a calculated attempt to form a separate state". (Extract from The Daily Telegraph of 19 February 1964)

> "During the afternoon, the Turkish Cypriot members visited the President of the House, who reiterated the substance of the points set forth in paragraph 8 above. He made it plain that, unless agreement was reached on these matters, he would not permit the Turkish Cypriot members to attend the House. Mr. Clerides also stated that the constitutional provisions concerning promulgation of the laws by the President and the Vice-President were no longer applicable. He subsequently stated that in his opinion the Turkish Cypriot members had no legal standing any more in the House." (Security Council document S/6569 dated 29 July 1965, para. 11)

It should be noted here that the person who is mentioned in this paragraph as the "House President" is the same Mr. Clerides who is now the leader of the Greek Cypriot community.

As for the claim that Ankara "had sent ships with arms to the Turkish Cypriots" (General Assembly press release GA/SHC/3251/Corr.1 dated 14 November 1994), I believe that the following extract from a book entitled Democracy at Gunpoint by Mr. Andreas Papandreou, the present Prime Minister of Greece, makes it crystal clear as to which country shipped soldiers, arms and ammunition to Cyprus in the 1960s in violation of the Zurich and London Agreements.

> "A clandestine operation then began on a huge scale of nightly shipments of arms and troops of volunteers who arrived in Cyprus in civilian clothes and then joined their Cypriot units. The process was not completed until the middle of the summer. No less than twenty thousand officers and men, fully equipped, were shipped to Cyprus". (Democracy at Gunpoint, p. 132)

By perpetrating all the above and publicly boasting about it, and then having the audacity to blame others for the very things it has done itself, the Greek Cypriot side has given a new meaning to the term "Byzantine". By such unbecoming behaviour, the Greek Cypriots only reveal how little regard they have for the truth and the international community, let alone their counterparts, the

Turkish Cypriots. I am sure that they will be judged accordingly by history and by the international community.

I should be grateful if the present letter were circulated as a document of the General Assembly, under agenda item 99, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

UNITED
NATIONS

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GENERAL ASSEMBLY
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ADMISSION OF NEW MEMBERS TO THE
UNITED NATIONS

SECURITY COUNCIL
Forty-ninth year

Application of the Republic of Palau for admission to membership in the United Nations

Note by the Secretary-General

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council, the Secretary-General has the honour to circulate herewith the application of the Republic of Palau for admission to membership in the United Nations, contained in a letter dated 14 November 1994 from the Minister of State of the Republic of Palau to the Secretary-General.

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ANNEX

Letter dated 14 November 1994 from the Minister of State of the Republic of Palau to the Secretary-General

In accordance with the provisions of Article 4 of the Charter of the United Nations, and with those of rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly, I have the honour, on behalf of the Government of the Republic of Palau and in my capacity as Minister of State, to request the admission of the Republic of Palau as a Member of the United Nations.

I would accordingly be grateful if you would arrange for this application to be placed before the Security Council and the General Assembly for their consideration.

For this purpose, the following declaration is made in pursuance of rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly.

Declaration

In connection with the application by the Republic of Palau for membership in the United Nations, I have the honour, on behalf of the Republic of Palau and in my capacity as Minister of State, to declare that the Republic of Palau accepts the obligations contained in the Charter of the United Nations and solemnly undertakes to fulfil them.

(Signed) Andres UHERBELAU
Minister of State